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THE CATHOLIC UNIVERSITY OF AMERICA

THE CONFLICT BETWEEN POPE BONIFACE VIII AND KING PHILIP IV, THE FAIR

A Dissertation

SUBMITTED TO THE CATHOLIC SISTERS COLLEGE OF THE CATHOLIC UNIVERSITY OF AMERICA, IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

BY

SISTER MARY MILDRED CURLEY, M. A.

of

The Sisters of Saint Joseph, Brighton, Mass.

THE CATHOLIC UNIVERSITY OF AMERICA

WASHINGTON, D. C.

1927

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TO THE SISTERS OF SAINT JOSEPH

OF

THE ARCHDIOCESE OF BOSTON

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BIBLIOGRAPHY

I. Sources and General Works.

Acta Sanctorum, *Henschenio et Papebrochio* (Editio Novissima). Parisiis et Romae, 1866.

Alexander, N., *Historia Ecclesiastica.* Cologne, 1622.

Alexander of Hales, *Summa Universae Theologiae.* Paris, 1481.

Alzog, J., *History of the Church,* English Translation by Pabisch and Byrne. 3 vols. Cincinnati, 1903.

Audisio, G., *Droit Public de l'Église et des Nations Chrétiennes,* Translation by Labis. 3 vols. Louvain, 1864.

——, *Histoire Civile et Religieuse des Papes de Boniface VIII à Grégoire XIII,* Translation by Labis. Desclée, 1885-94.

Baillet, A., *Histoire des Démêlez du Pape Boniface VIII avec Philippe le Bel.* Paris, 1717.

Bardenhewer, O., *The Lives and Works of the Fathers of the Church,* Translation by Bishop Thomas J. Shahan, 2d ed. St. Louis, Mo., 1908.

Baronius-Raynaldi, *Annales Ecclesiastici.* Barri-Ducis, 1871.

Berchtold, J., *Die Bulle Unam Sanctam, Ihre wahre Bedeutung und Tragweite für Staat und Kirche.* München, 1887.

Bernardi Sancti, *Opera Genuina.* Paris, 1863.

Böhmer, J. F., *Regesta Imperii.* Innsbruck, 1898.

Boniface VIII, *Liber Sextus Decretalium.* Lugduni, 1584.

Bossuet, J. B., *Defensio Declarationis Celeberrimae.* Luxemburg, 1830.

Boutaric, E., *La France sous Philippe le Bel: Étude sur les Institutions Politiques et Administratives du Moyen Age.* Paris, 1861.

Magnum Bullarium Romanum. Luxemburg, 1730.

Cano, M., *De Locis Theologicis.* Padua, 1714.

Chantrel, J., *Boniface VIII.* Paris, 1862.

Chevalier, B., *The Lives and Times of the Popes.* New York, 1909.

Christophe, J. B., *Histoire de la Papauté pendant le XIV siècle.* Paris, 1853.

Corpus Juris Canonici (ed. Friedberg II). Lipsiae, 1879.

Damberger, C., *Geschichte der Kirche und der Welt im Mittelalter.* Regensburg, 1851.

Daniel, G., *Histoire de la France.* Paris, 1713.

Dante, A., *Purgatorio.* London, 1883.

Decretales D. Gregorii Papae IX. Romae, 1582.

De Montor, A., *Lives and Times of the Popes.* (Lateran Edition). New York, 1910.

Denifle, H., *Archiv für Literatur und Kirchengeschichte des Mittelalters.* Freiburg im Breisgau, 1889.

———, *Die Universitäten des Mittelalters bis 1400.* Berlin, 1885.

———, *Chartularium Universitatis Parisiensis.* Paris, 1891.

Denzinger, H., *Enchiridion Symbolorum et Definitionum.* Lipsiae, 1900.

Döllinger, J. J., *Kirche und Kirchen.* München, 1861.

———, *Erwägungen für die Bischöfe des Concils.* München, 1869.

Drumann, W., *Geschichte Bonifacius des Achten.* 2 vols. Königsberg, 1852.

Du Boulay, C., *Historia Universitatis Parisiensis.* 6 vols. Paris, 1665.

Dupuy, P., *Histoire du Différend entre le Pape Boniface VIII et Philippe le Bel, Roy de France* (Edited by S. Vigor). Paris, 1655.

Ehrmann, F., *Die Bulle Unam Sanctam des Papstes Bonifacius VIII nach ihrem authentischen Wortlaut erklärt.* München, 1896.

Eubel, C., *Hierarchia Catholica Medii Aevi sive Summorum Pontificum.* Regensburg, 1898-1910.

Finke, H., *Aus den Tagen Bonifaz VIII, in Funde und Forschungen.* Münster, 1902.

Funk-Cappadelta, *A Manual of Church History.* 2 vols. (Herder), St. Louis, 1910.

Gams, P., *Series Episcoporum Ecclesiae Catholicae.* Ratisbon, 1873-1886.

Gosselin, M., *Pouvoir du Pape au Moyen Age ou Recherches Historiques sur l'Origine de la Souveraineté Temporelle du Saint-Siége et sur La Droit Public au Moyen Age.* Paris and Lyons, 1845.

Gregorovius, F., *Geschichte der Stadt Rom im Mittelalter.* Stuttgart, 1878.

Guiraud, J., *Histoire Partiale, Histoire Vraie.* Paris, 1912.

Harduini, *Acta Conciliorum et Epistolae Decretales.* Paris, 1714.

Hauck, A., *Kirchengeschichte Deutschlands.* 5 vols. Leipzig, 1904-1920.

Hausman, *Geschichte der päpstliche Reservatfälle.* Regensburg, 1868.

Hefele-Knöpfler, *Konziliengeschichte.* Freiburg im Breisgau, 1890.

Hefele-Leclercq, *Histoire des Conciles d'après les Documents Originaux.* Paris, 1914.

Hergenröther, J., *Katholische Kirche und christlicher Staat.* Freiburg im Breisgau, 1873.

———, *The Catholic Church and the Christian State; A Series of Essays on the Relation of the Church to the Civil Power.* London, 1876.

Höfler, C., *Rückblick auf Papst Bonifaz VIII und die Literatur seiner Geschichte.* München, 1843.

Histoire Littéraire de la France. Ouvrage commencé par des Religieux Bénédictins de la Congrégation de Saint-Maur et continué par des Membres de l'Institut Académie des Inscriptions et Belles Lettres. Paris, 1862.

Holtzmann, R., *Wilhelm von Nogaret, Rat und Grosssiegelbewahrer Philipps des Schönen von Frankreich.* Freiburg, 1898. (Dissertation.)

Hugh of St. Victor, *De Sacramentis Christianae Fidei.* Migne, *Patrologia Latina*, CLXXVI, Paris, 1854.

Kurth-Day, *The Church at the Turning Points of History.* (Naegele), Helena, Montana, 1924.

Labbeus, *Sacrorum Conciliorum.* Venetiis, 1782.

Langlois, C. V., *Les Papiers de Guillaume de Nogaret et de Guillaume de Plaisians au Trésor des Chartres.* Paris, 1908.

Langlois-Lavisse, *Histoire de France.* 3 vols. (Hachette). Paris, 1901.

Lettenhove, Kervyn de, *Histoire de Flandre.* Bruxelles, 1847.

———, *Recherches sur la parte que l'Ordre de Cîteaux et le Conte de Flandre prirent à la lutte de Boniface VIII et Philippe le Bel, Mémoires de l'Académie royale de Belgique.* Brussels, 1879-80.

Liberatore, *La Chiesa e lo Stato.* Napoli, 1871.

Lizerand, G., *Clement V et Philippe le Bel.* Paris, 1911.

Lungo, J. Del, *Da Bonifazio VIII ad Arrigo VII.* Milan, 1899.

Mansi, J., *Sacrorum Conciliorum Nova et Amplissima Collectio.* Paris and Leipzig, 1903.

Migne, J. P., *Patrologiae cursus completes.* Paris, 1844.

Mohler, *Die Kardinäle Jacob und Peter Colonna: ein Beitrag zur Geschichte des Zeitalters Bonifaz VIII.* Paderborn, 1914.

Monumenta Germaniae Historica, Edidit Societas Aperiendis Fontibus Rerum Germanicarum Medii Aevi. Berolini, 1877.

Muratori, *Rerum Italicarum Scriptores*, Mediolani, Typo Societatis Palatinae, 1733-1751.

Parsons, R., *Studies in Church History*, 2d ed., 6 vols. New York, 1896 sq.

Philipps, *Kirchenrecht.* 7 vols. Regensburg, 1855-1889.

Platina, B., *Vitae Pontificum.* Venezia, 1715.

Potthast, A., *Regesta Pontificum Romanorum.* Berlin, 1874-1875.

Registres de Benoît XI, Les. Grandjean. (A. Fontemoing). Paris, 1905.

Registres de Boniface VIII, Les. Digard, Fauçon and Thomas. Recueil des Bulles de ce Pape, publiées ou analysées d'après les Manuscrits Originaux des Archives du Vatican. Paris, 1884.

Registres d'Honorius IV, Les. Paris, 1888.

Registres de Martin IV, Les. Paris, 1913.

Registres de Nicolas IV, Les. (Ed. by Langlois-Thorin). Paris, 1886.

Renan, E., *Études sur la Politique Religieuse du Règne de Philippe le Bel.* (Ed. Calmann Lévy). Paris, 1899.

Rintel, C., *Der Protestantismus als politisches Princip.* Breslau, 1853.

Rivière, J., *Le Problème de l'Église et de l'État au temps de Philippe le Bel.* (Champion), Paris, 1925.

Rocquain, F., *Philippe le Bel et la Bulle "Ausculta Fili" dans Bibliothèque de l'École des Chartres.* Paris, 1853.

———, *La Cour de Rome et L'Esprit de Réforme avant Luther.* 3 vols. Paris, 1893-97.

Rohrbacher, *Histoire Universelle de l'Église Catholique.* 14 vols. Paris, 1872.

Rymer, T., *Foedera, Conventiones, Literae et cujuscumque Generis Acta Publica inter Regis Angliae.* 20 vols. London, 1727.

Salisbury, John of, *Policraticus,* (Ed. Webb). 2 vols. Oxford, 1909.

Scholz, R., *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII.* Stuttgart, 1903. (Kirchenrechtliche Abhandlungen, 6-8).

Seppelt, F. X., *Studien zum Pontifikat Papst Celestins V.* Leipzig, 1911.

Sismondi, J., *Histoire des Républiques Italiennes du Moyen Age.* Paris, 1826.

Souchon, M., *Die Papstwahlen von Bonifaz VIII bis auf Urban VI und die Entstehung des Schismas 1378.* Braunschweig, 1888.

Spondanus (Jean de Sponde), *Annales Ecclesiastici.* London, 1825.

Stephaneschi, J. Card., *Vitae S. Celestini V. Acta Sanctorum.* Parisiis et Romae, 1866.

Suarez, F., *Omnia Opera.* Coimbra, 1682.

Tacitus, *Annales,* Translation by Ramsay. London, 1909.

Thatcher-MacNeil, *A Source Book for Mediaeval History.* New York, 1905.

Thomas Saint, *Summae Theologiae.* Romae, 1888.

Tosti-Donnelly, *History of Pope Boniface VIII and his Times.* In 6 books. (Christian Press Association). New York, 1911.

Weber, N. A., *The Christian Era.* 2 vols. Washington, D. C., 1919.

Wirkirt, L., *Philippe le Bel.* Amsterdam, 1839.

II. Repertories.

Dictionnaire de Théologie Catholique. (Vacant-Mangenot). Paris, 1903-1923.

Dictionnaire Universel. (Larousse), 17 vols.: Paris, 1873.

Encyclopedia Britannica. New York, 1911.

Kirchenlexikon oder Encyklopädie der Katholischen Theologie und ihrer Hülfswissenschaften. (Wetzer und Welte). Freiburg im Breisgau, 1887.

Realencyklopädie für Protestantische Theologie und Kirche. (Herzog). Leipzig, 1897.

III. Special Articles Consulted or Quoted.

Arquillière, H., "L'Appel au Concile sous Philippe de Bel et la Genèse de Théories Conciliares." *Revue des questions historiques,* t. LXXXIX. Paris, 1911.

Brehier, L., "The Sicilian Vespers." *The Catholic Encyclopedia,* vol. XV. New York, 1907-1914.

Bushbell, G., "Die Professiones Fidei der Päpste." *Römische Quartalschrift für christliche Altertumskunde und für Kirchengeschichte.* Rom, 1896.

Celidonio, J., "S. Pièrre Célestin et ses Premiers Biographes." *Analecta Bollandiana,* t. XVI. Brussels, 1897.

Degert, A., "Gallicanism." *The Catholic Encyclopedia,* vol. VI.

Finke, H., "Das Pariser Nationalkonzil vom Jahre 1290. Ein Beitrag zur Geschichte Bonifaz VIII und der Pariser Universität." *Römische Quartalschrift für christliche Altertumskunde.* Rom, 1895. Cf. De Lisle, "Le Concile National de Paris," *Journal des Savants.* Paris, 1895.

Funk, F., "Zur Bulle Unam Sanctam." *Theologische Quartalschrift.* Tübingen, 1890.

Gardner, E., "The Guelphs and the Ghibellines." *The Catholic Encyclopedia,* vol. III.

Gemelli, A., "La Doctrine et L'Unité du Moyen Age." *Revue de Philosophie,* t. XXXII. Paris, 1925.

Grauert, H., "Berchtold, Die Bulle Unam Sanctam." *Historisches Jahrbuch,* Band IX, Heft 1. München, 1888.

Hemmer, H., "Boniface VIII." *Dictionnaire de Théologie Catholique,* t. II.

Holtzmann, R., "Papst Bonifaz VIII ein Ketzer?" *Mitteilungen des Instituts für österreichische Geschichtsforschung,* t. XXVI. 1905.

Kirsch, J. P., "Unam Sanctam." *The Catholic Encyclopedia,* vol. XV.

Lettenhove, K. de, "Une relation inédite de l'attentat d'Anagni." *Revue des questions historiques,* t. XI. 1872.

Loughlin, J., "Celestine V." *The Catholic Encyclopedia,* vol. III.

Macksey, C., "State and Church." *The Catholic Encyclopedia,* vol. XIV.

Mury, F., "La Bulle Unam Sanctam." *Revue des questions historiques,* t. XXVI. Paris, 1879. Cf. t. XLVI. Paris, 1889.

Newhall, R., "The Affair at Anagni." *The Catholic Historical Review,* vol. I. October, 1921.

Oestreich, T., "Boniface VIII." *The Catholic Encyclopedia,* vol. II.

Renan, E., "Un Ministre du Roi, Philippe le Bel, Guillaume de Nogaret." *Revue des Deux Mondes,* t. XCVIII. Paris, 1872. Cf. *Histoire Littéraire de la France,* t. XXVII. Paris, 1877.

Rocquain, F., "Boniface VIII." *Journal des Savants.* Paris, 1875.

Scholz, R., "Die Beurteilung Bonifaz VIII und seines sittlichreligiösen Charakters." *Historische Vierteljahrschrift,* IX, 1905.

Wenck, K., "War Bonifaz VIII ein Ketzer?" *Historische Zeitschrift,* XCIV, 1905, 1906.

Wiseman, N., "Boniface VIII." *Dublin Review,* 1841. Reprinted in *Historical Essays on Various Subjects.* London, 1853.

PREFACE.

In the discussion of the momentous and memorable conflict between Pope Boniface VIII and King Philip the Fair, it is well to recall the fact that both prince and pontiff appear at a critical period in history, a period of transition between two epochs; they appear at the close of the Middle Ages and are the precursors of the Modern Period.

The colossal figure of Boniface VIII may be placed beside the outstanding pontiffs, Gregory VII called "the Great" and Innocent III who is styled "the greatest Mediaeval Pope." It is true that Boniface VIII arrived on the papal throne with the rather rigid qualities of a canonist and a tried jurist but without having grasped the profound political changes produced at the close of the thirteenth century in the dispositions of the princes and the people. Imbued with the idea of papal sovereignty entertained by his predecessors, he sought to curb Gallican royalism and had to face a civil and religious crisis the difficulties of which can hardly be overestimated. In enunciating the doctrine of papal supremacy, he simply stressed the principles of his predecessors regarding the relations of Church and State; he innovated nothing, but he was obliged to exceed the former pontiffs by asserting the authority of the Holy See in a firm and authoritative manner against the legists of his time. To this end he consecrated his genius, his courage, and his life.

Some historians have stated that the pontificate of Pope Boniface VIII marks the decline and the decadence of the papacy, but an institution is only in decadence when it ceases to act according to the force of its principle and no longer advances toward its end; the papacy of the fourteenth century can not fall under this head for it preserved its primary purpose, the salvation of souls.

Philip the Fair, the grandson of the sainted Louis and the eldest son of the Church, far from supporting the papal sovereignty as his predecessors had done, broke with the past and rejected the claims made by Boniface VIII. Motivated by diverse and divergent

principles, the one to defend the Church and the other to defend the State to the detriment of the Church, these two sovereigns must necessarily clash and the purpose of this work is to discuss the origin and development of this famous conflict between Philip the Fair and Pope Boniface VIII. The writer has divided this conflict into two distinct stages, the second of which culminates in the affront at Anagni.

The author makes grateful acknowledgment of her deep indebtedness to the Reverend Nicholas Aloysius Weber, S.M., S.T.D., Professor of History at the Catholic University of America, who suggested the subject and under whose guidance this monograph has been begun and completed. For helpful suggestions in the revision of the manuscript, she expresses her gratitude to Dr. Roy Joseph Deferrari, Head of the Latin and Greek Department of the Catholic University of America and to the Reverend Patrick William Browne, S.T.D., Associate Professor of Church History. The author, likewise, takes this occasion to thank Dr. Leo Behrendt, Associate Professor of German, for valuable assistance rendered in the accomplishment of this work.

To her Superior, the Reverend Mother Mary Domitilla, and to the Sisters of her Congregation, whose kind coöperation and encouragement have stimulated this work, the author expresses her heartfelt thanks.

SISTER MARY MILDRED.

FEAST OF SAINT JOSEPH.
March 19, 1927.

THE CONFLICT BETWEEN POPE BONIFACE VIII AND KING PHILIP IV, THE FAIR

CHAPTER I.

The Early Life of Benedict Gaetani.

A retrospect of the Middle Ages presents to us many remarkable figures among the Popes, but none more striking and more majestic than that of Boniface VIII. When we consider him in the living theatre at the close of the thirteenth century, surrounded by warring nations and intestinal strife, we must realize that these conditions had prepared for him a difficult pontificate, the events of which it is indeed hard to describe. In him, we see the fusion, so to speak, of the grandeur and the apparent decadence of the papacy; in him pontifical acts have their characteristic importance, and against him was formulated the separation of the spiritual from the temporal.[1]

The ecclesiastical history of his reign is a record of the struggle of the papacy with the royal power and this dissension has opened up a vast source of errors. Canonical and theological opinions which, at times, almost exceeded the extreme limits of Catholic truth, the excessive distinction between the Holy See and the person of the Pope, the endless disputes on the relation of the Pope with the Church dispersed or in assembly: all these took birth, and what is still more, developed in the famous quarrel between Boniface VIII and Philip the Fair.[2]

The Church needed a vigorous head to direct a skillful hand. Boniface VIII was of superior intelligence, fearless and firm, and although he has been censured for his lack of moderation against the leaders of factional strife, yet if his spirit of firmness had been

[1] Cf. Audisio, *Droit Public de L'Église et des Nations Chrétiennes*, vol. II, p. 217, Louvain, 1864.

[2] Cf. Ibid., p. 250.

perpetuated in his successors, Rome would never have had the Captivity of Avignon.[3] No Pope in history has been subjected, on the part of the Ghibellines and the Gallicans, to more outrages and calumnies, and these calumnies, in turn, have been directed against the papacy.

These outrages reached their height in the criminal assault at Anagni. There the noble Boniface, who was undoubtedly more than an octogenarian, redoubling his courage and grandeur of soul, stood clasping his crucifix and calmly awaited his assailants; indeed, the patient and majestic bearing of the Vicar of Jesus Christ in the presence of such violent adversaries has made an indelible impression on humanity. The quarrel between the Pope and the King of France is far from being an isolated fact; it marks the culmination of three centuries of combats between the Church and the State; it is only the historic aspect of this particular quarrel, however, which concerns us.

Benedict Gaetani, the future Boniface VIII, was born at Anagni in Italy about 1220. His family was originally Spanish but dwelt for a long time at Gaeta, which fact brought to its members, when later they transported themselves to Anagni, the surname of Gaetani. Matthew Gaetani, captain-general of Sicily under King Manfred, was the grandfather of Benedict. His son, Lofredo, or Luitfried, had married Emily of the family of Segni; thus Benedict was related to Innocent III, Gregory IX, and Alexander IV.[4]

The exact year of his birth is not known. Herzog[5] states that he was born about 1214. Gregorovius[6] and Ferretus Vincenti[7] give 1217 as the year of his birth; Hefele-Knöpfler,[8] Hefele-

[3] Cf. Ibid., pp. 223 ff.

[4] Cf. Hefele-Leclercq, *Histoire des Conciles*, vol. VI, p. 350, Paris, 1914.

[5] Cf. Herzog, *Realencyklopädie fur Protestantische Theologie und Kirche*, vol. III, p. 299, Leipzig, 1897. Boniface VIII was almost eighty years of age when he received the papal dignity, i. e. in 1294.

[6] Cf. Gregorovius, *Geschichte der Stadt Rom im Mittelalter*, vol. V, p. 566, Stuttgart, 1878. Boniface VIII died on October 11, 1303, and was eighty-six years old.

[7] Cf. Muratori, *Rerum Italicarum Scriptores*, IX, p. 1009, Mediolani, Typo Societatis Palatinae, 1733-1751.

[8] Cf. Hefele-Knöpfler, *Konziliengeschichte*, vol. VI, pp. 282 ff, Freiburg im Breisgau, 1890.

Leclercq,[9] Wetzer and Welte[10] agree upon 1220; Dupuy[11] and Rymer[12] likewise record his advanced age. Finke,[13] however, takes exception to the traditional view maintained by these authors, and gives a much later date, i. e., 1235 as the year of his birth, consequently stating that he was about a decade and a half younger.

Of the early life of Benedict Gaetani comparatively little is known; he passed his youth in the city of Todi where he lived with his uncle Bishop Peter and with a woman relative;[14] he received his early education under the Friars Minor of Velletri.[15] Roucheri and Bartolus, the names of two of his teachers, have been handed down to us: *Erat in scholis domini Roucheri,*[16] and Bartolus is mentioned in a document of the Chapter of Todi.[17] In Spoleto, he was an intimate associate in the house of Magister Arnold and Magister Theobald, and later he studied in the schools of the Curia itself, where he attended lectures, not only in Theology, but in Canon and Civil Law.

It is universally admitted that Benedict Gaetani became skilled in law to such an extent that his legal reputation soon became widespread. It is somewhat surprising that the writers of his day do not communicate to posterity the name of the University in which he studied. Du Boulay places him among the most illustrious doctors of Paris, stating that he passed a long time in the

[9] Cf. Hefele-Leclercq, *Histoire des Conciles*, vol. VI, p. 350.

[10] Cf. Wetzer und Welte, *Kirchenlexikon oder Encyklopädie der Katholischen Theologie und ihrer Hülfswissenschaften*, vol. II, p. 1038, Freiburg im Breisgau, 1887.

[11] Cf. Dupuy, *Histoire du différend entre le Pape Boniface VIII et Philippe le Bel, Roy de France, (Actes et Preuves)*, p. 330, Paris, 1655.

[12] Cf. Rymer *Foedera*, t. II, p. 860, London, 1727. (1299, *iam aetate grandaevus, iam circumventus senectutis incommodis.*)

[13] Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 3, Munster, 1902.

[14] Cf. Ibid., p. 4.

[15] Cf. Parsons, *Studies in Church History*, vol. II, p. 412, New York, 1896.

[16] Cf. Dupuy, *Preuves du différend*, p. 528. In Todi, there was no "Generalstudium"; Cf. Denifle, *Geschichte der Universitäten des Mittelalters bis 1400*, I, p. 227, Berlin, 1885.

[17] Cf. Tosti-Donnelly, *History of Boniface VIII and His Times*, Document B, Decree in favor of the Canons of Todi, pp. 455 ff., New York, 1911.

University of that city and cites a text of December 18, 1296, obligating the Dean, Chanter, and the Chancellor of the University of Paris to residence in that diocese.[18] Many historians reproduce his statement which, however, is no conclusive proof that he studied at the University of Paris, but the text, alleged to show that he was a student there, merely proved his friendship for the Church rather than for the University of Paris. The well-known passage is as follows: *Non enim de nostri sacrario pectoris oblivio dampnosa subripuit, . . . quod ejusdem ecclesie copiosa benignitas nos olim, dum in minoribus ageremus, de ipsius honorabili gremio existentes fovit et tractavit ut filium, maternis pavit et refecit uberibus, respexit gratiis, beneficiis honoravit.* He had been a canon of the Church of Paris and he not only enjoyed the fruits of that canonry but also exercised the office personally.

His Legatine Career.

Benedict Gaetani was a man of remarkable talent and, as previously stated, he was also a distinguished and consummate jurist. His legal fame has been preserved and handed down to the present day by a collection of laws in a work entitled *Liber Sextus Decretalium.* He was considered the first canonist of his age. The concern of this chapter, however, is not his career as a lawyer, but rather his career as a legate. Like Gregory VII who, before he became Pope, was a leader in the pontificates of his several predecessors in defending the rights of the Church, so Benedict Gaetani, the future Boniface VIII, was the most celebrated personage in the administrations of five preceding Popes; he was sent on the most difficult embassies and called upon to adjust and manage the most momentous affairs arising between the Church and the princes. The knowledge of all the evils which agitated the Church within his own memory together with others, which for a long time had previously beset her, served as generating facts which gave form and character to the one thought which entered deeply into his mind, namely, that the Church was reduced to

[18] Cf. Denifle, *Chartularium Universitatis Parisiensis,* II, No. 600, Paris, 1891. *Bonifacius VIII, decanum, cantorem et cancellarium ad residendum in ecclesia Parisiensi obligat.*

servitude, not by secret enemies, but by those who called themselves her children and her vassals.[19]

Benedict Gaetani's good sense and firmness of character enabled him to comprehend fully his mission and his office; he went straight through with whatever business he had on hand; he surpassed all his predecessors in his talent for affairs and in his experience of practical life. Possessed of a well-defined policy and a bold determined attitude, he aimed at all times to maintain the rights of the Holy See in the face of its adversaries.[20] We shall now sketch his ambassadorial career during the reign of the five following Popes: Alexander IV, Nicholas III, Martin IV, Honorius IV and Nicholas IV. In order to trace the legatine career of Benedict Gaetani, we must know something of the affairs which he was called upon to settle during the reigns of these five Popes.

At the death of Innocent IV, December 7, 1254, Alexander IV (1254-1261) ascended the papal throne. During the reign of the former, Manfred, the courageous defender of the rights of the House of Suabia, after having opened Sicily to Innocent, reversed his allegiance to the papacy and thus had been seizing that portion of the kingdom which belonged to the Holy See and conquering it by armed force. Innocent IV had sought to restrain him by inviting a foreign prince, Edmund, the second son of Henry III of England to rule in the south of Italy.[21]

Alexander IV, following the example of his predecessor, hastened, therefore, to renew the negotiations which he had made with Henry III of England for the suppression of Manfred. When in April 1255, a treaty was drafted at Naples, Alexander IV commissioned Cardinal Ottobono Fiesco, the nephew of Innocent IV and the future Pope Adrian V, and Simon de Brie, who later became Pope Martin IV, as bearers of the treaty to Henry of England. Benedict Gaetani accompanied these legates as secretary. Briefly, according to the terms of this treaty, Sicily was conferred in fief on Edmund, the young son of Henry III, and on his descendants with the payment of an annual tax of two thousand ounces of gold, and the

[19] Tosti-Donnelly, *History of Pope Boniface VIII and His Times*, p. 9.

[20] Cf. Ibid., p. 9.

[21] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther*, vol. II, p. 139, Paris, 1895.

obligation of furnishing for three months three hundred horsemen armed and equipped for the service of the Holy See; furthermore, this prince was obliged, under pain of deposition for himself and his successors, never to lay claim to the Empire. On the other hand, the King of England, in accepting the crown in the name of his son, must before the Feast of St. Michael of the following year, raise forces to expel Manfred from Sicily. To the conditions of this onerous treaty, the King of England adhered; in case he failed in his engagement, the treaty would not only be reputed as null but he would be excommunicated and his subjects would be struck with interdict.[22] After Benedict Gaetani returned from England, Bishop Peter, his uncle, entreated the Canons of Todi in the year 1260 to receive him as one of their members, although these canons did not have it in their power to receive one who was not in major orders; nevertheless, Alexander IV granted him a dispensation and a few weeks later, out of courtesy to his uncle and in order to favor Benedict, the members of the Chapter of Todi received him as one of their number.[23]

Alexander IV died at Viterbo on May 25, 1261; during the six succeeding pontificates, we hear of no important ambassadorial services rendered by Benedict Gaetani until Nicholas III (1277-1280) ascended the papal throne. He, the clever John Gaetano or (Cäetano) Orsini elected Pope, November 25, 1277, was the head of the Italian party in the Sacred College. He was since Honorius III (1216-1227) the first Roman Pope to occupy the chair of Peter and was consecrated December 26, 1277. His administration was vigorous and he engaged Benedict Gaetani to act as a conciliatory mediator in the difficult circumstances which arose during his pontificate. Nicholas III, jealous of the power of the Holy See, was desirous of restraining the ambitious Charles of Anjou, a brother of Louis IX, who coveted it and who had found favor with some of his predecessors. One of his first measures, therefore, was to deprive Charles of the senatorial dignity in Rome, which he had received from the Guelphs almost ten years before. When the Pope in a letter of May 25, 1278, informed Charles that

[22] Cf. Rymer, *Foedera*, t. I, p. 553.

[23] Cf. Tosti-Donnelly, *History of Boniface VIII and His Times*, Document B, Decree in favor of the Canons of Todi, p. 455.

his term of office was about to expire and that he must prepare to resign his senatorial functions,[24] Charles remonstrated and Nicholas in July 1278 published a constitution, forbidding any sovereign to exercise in Rome the office of Senator for life; he had himself elected Senator in perpetuity like Augustus. The object of this constitution was to prevent the government of Rome from falling into the hands of a strange prince.

Benedict Gaetani as legate was now called upon to act as mediator between Charles of Anjou and Rudolph of Hapsburg who in 1273 was recognized at Lyons by the Pope as King of the Romans. These two sovereigns were jealous of each other and Provence afforded an occasion of war between them. Raymond of Bérenger, who married Beatrice of Savoy had four daughters, Margaret, wife of St. Louis of France, Eleanor, who married Henry, King of England, Sanchia, who became the wife of Richard of Cornwall, elected King of the Romans, and Beatrice who married Charles of Anjou. Sanchia, the wife of Richard of Cornwall, died in 1261 and Beatrice, wife of Charles of Anjou, died in 1267. Charles then took absolute possession of Provence while Eleanor and Margaret were still living; these two queens protested, demanding that the territory be divided into four parts. In the contention, Margaret sought aid not from King Philip, her son, but from Rudolph of Hapsburg, King of the Romans and from her nephew, Edward I. Charles, though weakened in power, was ready to take up arms against Rudolph who had been incited against him by his sister-in-law, Margaret, so as not to lose his possession of Provence.[25]

Pope Nicholas III foresaw that if a war ensued between Charles and Rudolph, it would mean that this projected struggle would soon extend to Italy; therefore he entreated Benedict Gaetani to accomplish in company with Cardinal Aquasparta the difficult task of conciliating the two hostile rulers. The former, who had given consummate proofs of excellent diplomatic ability and devotion to his pontiff, with the aid of Aquasparta brought affairs to a happy

[24] Cf. Baronius-Raynaldi *Annal. eccles,* ad ann. 1278, No. 7, Barri-Ducis, 1871. In this letter, the Pope asked him to resign his functions by the sixteenth of the following September.

[25] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times,* p. 40.

issue and prepared the documents of negotiation whereby Rudolph and Charles came to terms. Margaret lost her portion of Provence and Rudolph retained the sovereignty in that province, while Charles was left in possession of the country; mutual promises of peace between the two kings confirmed the treaty. It was concluded by separate documents drawn up by the legates. The style and content of these documents, pertaining to the negotiations with Charles of Anjou may be attributed largely to Benedict Gaetani.

Nicholas III died on August 23, 1280. Owing to factional discord, the Sacred College prolonged the vacancy of the Holy See for six months. The late pontiff had not succeeded in restraining the power of Charles of Anjou, for the latter went to Viterbo, the place chosen for the next papal election, and succeeded by his manoeuvres in obtaining the choice of a Frenchman as Pope. He intruded into the Sacred College, and seizing two cardinals of the Orsini family imprisoned them; then their colleagues who belonged to the Italian party gave way to fear.[26] On February 22, 1281, the members of the Sacred College elected Simon de Brie, cardinal of St. Cecilia, as Pope, he who had been accompanied by Benedict Gaetani on the legations of 1255. Consecrated on March 23, 1281, at Orvieto, where he spent the greater part of his pontificate, the new Pope, who had dwelt for a long time at Tours and had been canon and treasurer of the Church of St. Martin, took the name of Martin IV. On April 12, 1281, he raised Benedict Gaetani to the cardinal-deaconship, the only real Italian out of seven, besides four from France and one from England and one from Lombardy.[27] The Pope likewise conferred on him the office of consistorial advocate by which he entrusted to him the mission of defending the causes of the Churches and the poor.

Martin IV (1281-1285) partly reversed the policy of the Popes from Gregory X to Nicholas III, for he was an ardent supporter

[26] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther*, vol. II, p. 225.

[27] This date is approximate. Martin IV also conferred on Benedict Gaetani as cardinal his rich benefice—possessions in France, England and Italy without residence. Cf. *Les Registres de Martin IV*, No. 15, Paris, 1913; Cf. *Les Registres de Nicholas IV*, Nos. 7346, 7382, (ed. Langlois-Thorin), Paris, 1886.

of Charles of Anjou. Meanwhile affairs in Sicily were in a very serious state. The towns of Sicily had formed a federal republic and had placed themselves under the protection of the Holy See. Charles of Anjou had received from Urban IV the crown of the two Sicilies, i. e., Naples and Sicily, which had been taken from the Hohenstaufens. This transfer of the Sicilian crown to the House of Anjou did not fulfill the hopes of the papacy but rather proved perilous to its freedom and independence; for the Angevine and his successors became worse enemies of the Church than the Hohenstaufens had been.[28] From this period, French influence became dominant in the Sacred College, culminating at last in the translation of the papal residence to Avignon. Charles of Anjou, in undisputed possession of the kingdoms of Naples and Sicily, sought to establish his dominion near the Mediterranean Sea. Through his intrigues, he induced Pope Martin IV to excommunicate Michael Palaeologus, November 18, 1281; then Charles being successful in his condemnation, sought to organize a formidable crusade for the conquest of Constantinople, when suddenly he was obliged to direct his arms against Sicily to quell a local revolution. The power of Charles of Anjou was steadily increased under Pope Martin IV, who gave new impetus to his aggressions, but the Sicilians, however, were determined to free themselves from Angevine oppression, for Charles acted as both king and Pope at the same time. John of Procida and the principal Sicilian lords were assembled at Palermo on Tuesday, March 31, 1282, to celebrate the Sicilian Vespers, when suddenly an insurrection broke out, and with cries of "Death to the French!" four thousand men, women, and children were massacred on that evening. Soon the revolt spread over the entire island and more than eight thousand French were put to death. This insurrection was proved to be not a formal plot concocted by Michael Palaeologus and Peter III of Aragon against the tyranny of Charles of Anjou, but rather a popular and spontaneous uprising. No doubt negotiations between these two leaders did take place, but the part played by John of Procida is not precisely known and possibly some of the Sicilian nobles were aware of this intrigue; there is at least a coincidence between the

[28] Cf. Weber, *The Christian Era*, vol. I, p. 155, Washington, D. C., 1919.

coalition against Charles of Anjou and the popular insurrection of the Sicilian Vespers.

As the first sound of the bell summoning the people to the Easter Vespers was the signal for the carnage, this horrible deed has taken the traditional name of the "Sicilian Vespers" which name was given to it in the fifteenth century. This revolt put an end to the French power in Sicily and frustrated the designs of Charles for the domination of the East. The crusade against Constantinople which Charles contemplated did not take place, for he was too busily engaged in that long and fruitless warfare against the House of Aragon for the possession of Sicily to turn his attention to the East.[29]

After the Sicilian Vespers, Martin IV espoused more ardently the cause of Charles, promising him, as vassal of the Holy See, all possible spiritual and temporal assistance to regain Sicily. Some Sicilian envoys from Palermo presented themselves before the Pope asking for forgiveness for the means they had used to secure their freedom and imploring his protection against Charles. If we may believe Rohrbacher,[30] he relates that they cried out three times: "Lamb of God who takest away the sins of the world, have mercy on us!" The Pope replied in the words of the Evangelist: "They called Him King of the Jews and they gave Him blows." As the pontiff seemed indisposed to pardon their offences, they returned home and took up arms against Charles and against the Church. All these interviews were witnessed by Benedict Gaetani, but his principal activities under Martin IV occur in the history of a duel, more interesting than tragic, between Charles of Anjou and Peter of Aragon. Charles of Anjou and Martin IV had vainly tried to subdue the island of Sicily, the former by arms, the latter by papal decrees. The Sicilians, however, having been repulsed by the Pope, entrusted to Peter of Aragon the direction of their affairs, and Peter became daily more formidable to the French. Then Peter of Aragon and Charles of Anjou agreed to fight a duel, the issue of which would settle the right of sovereignty over Sicily. The two

[29] Cf. Bréhier, "The Sicilian Vespers," *The Catholic Encyclopedia*, vol. XV, p. 384, New York, 1907.

[30] Cf. Rohrbacher, *Histoire Universelle de L'Église*, t. VIII, p. 310, Paris, 1872.

opponents were to meet on the plains of Bordeaux in Gascony, a neutral territory which belonged to Edward of England who was to be the referee. Pope Martin wishing to deter Charles from the combat called upon Benedict Gaetani to check the indignant Frenchman. On February 6, he sent him a letter by Cardinal Gaetani containing some salutary advice and informing him that his promise to take part in the combat was not binding, for the performance of an unlawful act is never binding on any one. Pope Martin concluded his letter with these words: "Moreover, because of the singular solicitude and love We have for your person, We wish to provide for the event of failing to persuade you, in which case it would be necessary that someone confirm by spoken word what We would feign have already convinced you by writing. Wherefore with the advice of Our brethren We send to you Our beloved son, Benedict, Cardinal-deacon of the title of Saint Nicholas-in-Chains, in Our opinion a man of profound wisdom, faithful, shrewd, resourceful, prudent, a warm supporter of your glory and of your royal dignity. Since the Church is unable and unwilling to permit the course to which you are committing yourself, he will more clearly make known to you Our mind, and with the greatest prudence he will reveal the vast and innumerable dangers, which your absence from the kingdom of Sicily in these days cannot but entail, dangers real and not imaginary. He will not neglect to tell you of what rashness you are accused, in order to cause you to obey without delay and without contradiction Our entreaties and Our advice and to settle your mind on the order We have given." [31]

According to the desire of the Pope, Benedict Gaetani strove to bring Charles to his senses, but all to no avail for the obstinate prince was determined to fight the duel. On June 1, 1283, he presented himself for the combat, but the crafty Peter did not come and Charles with his knights vainly waited for his arrival. This instance brought home to Benedict Gaetani the realization that the voice of the Pope raised in wise counsel to the princes did not affect their will. Martin IV then declared the excommunication of Peter III of Aragon and ordered a crusade to be preached

[31] Tosto-Donnelly, *History of Pope Boniface VIII and His times*, p. 45 Cf. Ibid., Document C, pp. 451 ff.

against him, for he considered him a usurper of the Sicilian kingdom. He despoiled him of the kingdom of Aragon, Valencia, and Catalania with which he invested Charles of Valois, the second son of Philip the Bold, who was to hold them in fief for the Holy See (February 1284). This caused a disagreement between Peter and Charles of Valois. The anger of the Sicilians became enkindled again and, led by their skillful naval-commander Roger of Loria, they, after a fierce battle near Malta, dispersed a fleet of twenty galleys which Charles had despatched from Provence; moreover, in the very waters of Naples, they utterly defeated the navy of Charles the Lame, the eldest son of Charles of Anjou, and captured him with all his barons. Sicily entirely escaped from the hands of Charles of Anjou, and his son, Charles the Lame was imprisoned; these reverses destroying his physical energy dealt a death-blow to the ambitious Angevine. When he received the Holy Viaticum, he gave evidence of deep contrition and prayed thus: "Lord, I believe truly that You are my Savior, thus I beg You to have pity on my soul and as I have undertaken the enterprise against Sicily more to save the Holy Church than for my own profit, I beg of You to pardon my sins." He expired January 6, 1285, bequeathing a war to his son, misfortune to his people, and to the succeeding Popes the task of regaining Sicily for the Church.

Since Benedict Gaetani in a later legation was called upon to settle the ecclesiastical disputes which arose in France in consequence of the Bull *Ad fructus uberes,* we must briefly discuss this Bull. It was issued by Martin IV on December 23, 1281 and conferred privileges on the Order of Friars Minor; its declaration engendered a sharp animosity between the seculars and the regulars to exercise the office of preacher and confessor in all the Churches, even against the will of the lawful pastors. In a council held in Paris, December 1283, at which four archbishops, twenty bishops, and all the doctors of the University of Paris assisted, the continual usurpations of the Mendicant Orders became the object of the most violent recriminations.[32]

These ecclesiastical dissensions and others, which arose among the secular clergy themselves, greatly disturbed the mind of the

[32] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther,* vol. II, p. 233.

Pope; it would seem, too, that his life was closely bound up with that of Charles of Anjou, whom he had so greatly favored; for two months after the death of this prince, he was taken suddenly ill and died at Perugia, March 29, 1285. Philip the Bold of France and Peter III of Aragon (the latter had become reconciled to the Church) followed him to the grave in the same year. Philip the Bold was succeeded by Philip the Fair; Peter's eldest son, Alphonsus, ascended the throne of Aragon; and James, his second son, ruled Sicily, while Naples was reserved for Charles the Lame. These two distant states, namely, the territory of Naples and the island of Sicily which were united by Charles of Anjou now came under separate rulers.

Four days after the death of Pope Martin IV, the Sacred College elected Cardinal James Savelli under the name of Honorius IV (1285-1287). He belonged to one of the noblest families of Rome. The cardinals supposed that the tenure of office of the new Pope would be very brief since he was very infirm. Contrary to their expectations, however, though very weak in body, he possessed a vigorous soul and he occupied the Chair of Peter for two years. He was consecrated at Rome, May 20, 1285. Although of Roman origin, he was of a family devoted to Charles of Anjou and faithful to these traditions, he readily embraced the views of his predecessor Martin IV and endeavored to make them triumph. However, the deaths of the three princes in the same year, viz., Charles of Anjou, Philip the Bold and Peter of Aragon caused the new pontiff to modify his policy regarding Sicily. He therefore published a constitution for that kingdom entitled: "Pacts of Honorius IV" (September 27, 1285) the object of which was to mitigate the rigors of the régime of Charles of Anjou which had caused the Sicilian revolt. To this document Cardinal Gaetani with thirteen other cardinals gave his signature. But although Honorius modified his policy regarding Sicily, he refused to concede to Alphonsus, for in vain did he, the new King of Aragon, send ambassadors to him to ask him to come to an agreement; the bishops abbots, lords, and consuls of the cities of Aragon likewise entreated the Holy See to retract a sentence which delivered them to a stranger, Charles of Valois. Far from listening to these solicitations, the Pope maintained for Charles of Valois the crown which had been given to him by Martin IV.

The rigorous treatment which the Holy See used concerning Alphonsus of Aragon, it likewise manifested towards James, his brother, who, in conformity with the will of his father, Peter III of Aragon was crowned King of Sicily at Palermo. By a letter *De colubro regulus* of May 23, 1286, Pope Honorius IV struck this prince with a sentence of excommunication; he declared the ceremony of his coronation both null and void, and cited the bishops who had assisted at this ceremony to appear before him and branded with interdict all those places where James would fix his residence.[33]

By another letter *"Non integra"* of November 18, 1286, he renewed the excommunication against James and suspended from office those prelates who had not appeared.[34] On July 25, 1286, Edward I, King of England, had arranged a treaty which had been concluded at Paris between Philip the Fair of France and Alphonsus of Aragon to procure the deliverance of Charles the Lame who was still a prisoner in Catalania; the latter had favored this truce and had negotiated with Alphonsus respecting a treaty, by which he pledged for the price of his liberty, not only to desist from his rights over Sicily but also to reconcile the two sons of Peter of Aragon, viz James and Alphonsus who would keep the states which they possessed. The project was sent to Rome by Charles the Lame but instead of approving of it, the pontiff, in a letter of March 4, 1287, blamed Charles for having given his adhesion and warned him that the Holy See would never sanction an agreement so prejudicial to the interests of this prince himself and so injurious to the Church of Rome.[35]

Meanwhile, Honorius was about to interfere in the ecclesiastical contention between the Mendicant Orders and the secular clergy, which had taken on such proportions that the Bishop of Poitiers (William of Mâcon) asked whether the power of the keys which

[33] Cf. *Les Registres d'Honorius IV*, Paris, 1888; Cf. Potthast, *Regesta Pontificum* II, No. 22,449, Berolini, 1874; Cf. Baronius-Raynaldi, *Annal. Eccles.* ad ann. 1286, No. 8.

[34] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1286, No. 9; cf. *Les Registres d'Honorius IV*, No. 807; cf. Potthast II, *Regesta Pontificum*, No. 22,537.

[35] Cf. *Les Registres d'Honorius IV*, No. 814. Letter of the Pope to Charles II, March 4, 1287.

he claimed belonged to the Episcopate had not been stolen by the mendicant friars. The Pope decided to end the conflict by diminishing the privileges of the religious but his death which occurred on April 2, 1287, frustrated his designs.[36]

After the death of Honorius IV, the Holy See remained vacant for about ten months; the delay on this occasion was due not to factional strife but to a pestilence which broke out in Rome in the palace of St. Sabina where Honorius died. Six cardinals having succumbed to the disease, many others fearful of a like fate, left Rome; thus the Sacred College could not elect a Pope until the scourge had ceased its ravages. Jerome of Ascoli, braving the pestilence, remained in the palace and on the return of the cardinals was elected Pope on February 15, 1288. Being exceedingly humble, he hesitated to accept the tiara and sought to advance the greater merits of the other cardinals;[37] however he reluctantly accepted the dignity and took the name of Nicholas IV in gratitude to Nicholas III who had created him a cardinal. He was the first Minorite Pope and before his accession he was Superior-General of the Order of Friars Minor. The cardinals knew of his membership in the Franciscan Order and elected him so as to reassure the Mendicant Orders whose privileges Honorius had planned to diminish. During the first year of his pontificate, the new Pope granted privileges to the members of his Order; by a Bull of April 30, 1288, dated at Rome, he declared them immediately subject to the Holy See and absolutely exempt from every other jurisdiction, adding that all property fixed or movable, of which they possessed the use, belonged to St. Peter. According to custom, the Romans conferred on him very soon after his election the senatorial dignity; he delegated it at first to an Orsini and later to a noble of the Colonna family. This family which had been formerly attached to the Ghibellines and which had one of its members in the Sacred College, was now becoming very powerful. Nicholas, who for a long time had been in friendly relations with it and who, in fact, owed his election to the papacy to its influence, naturally showered

[36] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther*, p. 243.

[37] Cf. De Montor, *Lives and Times of the Popes*, vol. III, p. 185, New York, 1910; Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1288, No. 1.

favors upon it. After the example of Honorius, he seemed favorably disposed to the House of Anjou.

As pontiff Nicholas IV confronted the most serious conditions, for the Church of Rome had been injured in its temporal sovereignty by the loss of Sicily and the monarchs did not manifest a submissive spirit to the successor of St. Peter, but rather assumed at times the rôle of bold and haughty jurists. These delicate and difficult conditions caused the Pope to call upon Benedict Gaetani, who was rich in experience and of notable judgment, to bring affairs to an harmonious issue; in fact it was during his reign that the personality of Benedict appears in stronger relief in his great ambassadorial journeys to Portugal and France. In Portgual a protracted struggle had been going on between the kingdom and the Church the settlement of which was entrusted in part to Benedict Gaetani.

If we are to believe Rohrbacher,[38] we read in his account that in 1279, King Denis of Portugal succeeded his father, Alphonsus III, and that the latter had violated the rights of the Church and had consequently brought the excommunication and interdict of Gregory X upon himself and his kingdom. In the year 1284, the prelates presented an account of their grievances to King Denis and in general assembly they drafted an agreement which they entreated Pope Martin IV to confirm, but the latter sought to reform it. Finally in 1288, the king and the bishops sent procurators to Rome in order to have Pope Nicholas IV confirm the treaty; he appointed three cardinals to examine the affair. The complaints of the clergy numbered more than thirty, to each of which the envoys of the king replied. Both parties promised amendment; three cardinals drafted a new compact on February 12, 1289 in consequence of which Pope Nicholas IV by a Bull of March 23, empowered the ordinaries to absolve the kingdom of Portugal from the censures of Pope Gregory X, and on May 7 he confirmed the treaty and decreed penalties in case of contravention.[39] The peaceful issue of these affairs was due largely to the intervention of Cardinal Gaetani and Cardinal Latino.

After the affairs of Portugal had been amicably settled, Benedict

[38] Cf. Rohrbacher, *Histoire Universelle de L'Église*, t. VIII, p. 319.
[39] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1289, Nos. 32 ff.

Gaetani (the Cardinal-deacon of St. Nicholas-in-Chains) together with Cardinal Gerard of St. Sabina received orders from Pope Nicholas IV regarding their legation to France. Externally, they were to secure an agreement between France and Castile, Aragon and Sicily, and to bring about a general world-peace conducive to the interests of the Holy Land; internally, they were empowered to remedy the ecclesiastical differences between the secular and the regular clergy. Benedict Gaetani was undoubtedly the principal character in this legation, for his companion, being advanced in years, was unable to cope with existing conditions. Benedict, however, was equipped with excellent knowledge, theoretical as well as practical, which enabled him to contend with the trained officials of Philip the Fair.[40]

Upon their arrival in France, these emissaries at first attended to the settlement of the ecclesiastical difficulties occasioned by the Bull *Ad fructus uberes* which was issued by Martin IV on December 13, 1281. This Bull had greatly intensified the ill-feeling between the secular and the regular clergy regarding the privileges. Towards the end of the year 1290, it was discussed in Paris whence Nicholas IV had commissioned the two legates to put an end to these controversies. They therefore assembled the prelates to attend a council on St. Martin's Day (November 11, 1290),[41] in which William of Mâcon, the Bishop of Poitiers, opposed the regular clergy. The two legates were undoubtedly predisposed in favor of the regulars but at first they did not disclose their views. The council held sessions from November 11 to November 29, during which time the regular clergy endeavored to ascertain the attitude of the envoys, finally, the Bishop of Poitiers urged them to disclose their views and addressing Benedict Gaetani he said: "Why do you not exercise your right to revoke the privileges since the Pope has given you the power?" Then Benedict with that firmness of spirit which was so characteristic of him who was later to mount the pontifical throne under the name of Boniface VIII,

[40] Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 14.

[41] Cf. Finke, *Das Pariser Nationalkonzil vom Jahre 1290.* Ein Beitrag zur Geschichte Bonifaz VIII und der Pariser Universität, *Römische Quartalschrift für Christliche Altertumskunde*, p. 171, Rome, 1895; cf. De Lisle, *Le Concile National de Paris, Journal des Savants*, pp. 240 ff., Paris, 1895.

vouchsafed his reply. After having treated lightly the lack of success of William of Mâcon in his previous work at the Court of Rome, he declared without subterfuge that the religious were the only healthy members of the Church and that it was necessary to protect them rather than trouble them in the enjoyment of their privileges. And he added: "I should like to see here all those professors of Paris whose presumption exposes itself in this circumstance, those who allow themselves to interpret a privilege of the Sovereign Pontiff, and who doubtlessly suppose that the Court of Rome has granted it without mature deliberation. They imagine that we consider them philosophers; they are only fools, worse than fools because they have filled the universe with the poison of their doctrine." [42]

This speech of Gaetani admitted of no reply; the members passed to the reading of the acts of the council. But the affair did not remain quiescent, for Henry of Gand, a prominent lecturer of the University, who then enjoyed great authority in the schools, hastened to assemble the professors of the University and urged them not to accept the decision of the cardinals. "We can discuss the gospel," he said, "why not the privileges of the religious?" This rebellious attempt was soon brought to the knowledge of the cardinals and, in order to foil it, Benedict Gaetani suspended the teaching power of Henry of Gand and entrusted the execution of this sentence to two professors not less esteemed by the students than Henry, i. e., John of Murro later General of the Franciscans and Bishop of Porto, and the celebrated "Magister Aegidius" (Colonna) or Giles of Rome.

The next day, November 30, many professors of the faculty came to the cardinals to speak in favor of the deposed lecturer, but they were badly received. Benedict Gaetani beheld them with indifference. "You professors of Paris," said the enraged legate, "you make a foolish use of your science; you disturb the universe; you act as if you did not understand the general state of the Church. You sit in your chairs and you imagine that Christianity must be ruled by your reasonings. These fruitless reasonings trouble the consciences of many of the faithful. It cannot be thus, my brothers, it cannot be thus. Since it is to us that the world is entrusted, we

[42] Cf. Ibid., p. 242.

must take into account not your good pleasure, but what is useful to every one. You think that you enjoy great consideration with us, but your pretended glory is only vain and conceited. Instead of discussing useful questions, you waste your time with silliness and frivolity. The questions with which you are occupied have no common sense; a fool presents them foolishly; and a professor develops them and solves them not less foolishly. We understand your reasonings . . . and here is the solution that we bring: Under pain of deprivation of office and of benefices, we forbid all the professors to preach, to discuss, and to dilate in public or in private on the privileges of the religious. This sentence will be kept in all its rigor. If any one doubts it, let him ask the opinion of the Sovereign Pontiff. We desire not knowledge but the salvation of souls and, since the Mendicants work more for the latter, then the Roman Curia would destroy the University of Paris rather than revoke the privileges of the regulars."[43] This account was evidently given by a partisan of the regulars and, although it may be exaggerated in part, it is nevertheless substantially exact in the principal incidents of the council. Cardinal Gaetani had triumphed in the meeting of St. Genevieve but he had deeply wounded several of the professors, so harshly condemned to silence, and these wounds were still fresh, when a few years later, the University embraced so warmly the cause of Philip the Fair against Boniface VIII.

After these ecclesiastical difficulties had been adjusted, the emissaries now turned their attention to the affairs of Sicily and Aragon, in the settlement of which they were, however, only partially successful. By a Bull of March 15, 1288, Nicholas IV had enjoined Alphonsus, King of Aragon, to give Charles the Lame his freedom and had cited him to appear before the Apostolic Court under pain of proceeding against him with spiritual and temporal

[43] Cf. Ibid., p. 243.

This document has been found by H. Finke, Professor of the University of Munster, among the papers of a Dominican, James of Soest, and is preserved in the archives of the Dominicans of Soest. cf. De Lisle, *Le Concile National de Paris, Journal des Savants*, pp. 240 ff., Paris, 1895; Cf. Finke, "*Das Pariser Nationalkonzil vom Jahre 1290.*" (Ein Beitrag zur Geschichte Bonifaz VIII und der Pariser Universität), Römische Quartalschrift für Christliche Altertumskunde, t. IX, pp. 171-182.

penalties.[44] He also summoned James, his brother, and the Sicilians under like penalties to return to the obedience of the Roman Church. Needless to relate, the double summons remained ineffectual. In the month of November of the same year (1288) Charles the Lame had been given provisional freedom, not however in virtue of the orders of the Pope, but in consequence of a treaty which had been concluded on the Island of Oléron, July 25, 1287,[45] under the auspices of Edward I of England during the pontifical interregnum separating the reigns of Honorius IV and Nicholas IV. This treaty recalled somewhat the one which was concluded by Charles the Lame with Alphonsus of Aragon and which was rejected by Honorius IV.

By the treaty of Oléron, Charles the Lame was obliged to renounce possession of the Island of Sicily, he must also obtain within a limited time, more from France than from the Holy See, the abandonment of all enterprise against the two princes of Aragon and, in guarantee of these promises, he must deliver to Alphonsus three of his young sons as hostages. This prince who then took the title of King of Sicily went to France to confer on this matter with Philip the Fair,[46] after which he went to Italy with a view to having himself crowned at once by the Pope and submitting the treaty for his approbation.

It was highly improbable that the Holy See would sanction a treaty which it had already rejected; for even before Charles had recovered his liberty, Nicholas IV, having been informed of the conclusion of the treaty, which had occurred (October, 1288), had written to the Kings of France and of England that he could not approve of it.[47] When Charles arrived in Italy, the Pope was at Rieti where he retired in consequence of some trouble which had arisen in Rome. He was satisfied with the first promise of Charles and on May 29, 1289 this prince was solemnly crowned by the hand of the pontiff under the name of Charles II, King of Sicily.

[44] Cf. *Les Registres de Nicholas IV*, No. 565.

[45] Cf. The final ratification of this treaty took place at Campo Franco during the last of October, 1288. Cf. Rymer, *Foedera*, t. II, pp. 346 ff; Cf. Baronius-Raynaldi, *Annal. eccles*, ad ann. 1288, No. 16.

[46] Cf. Rymer, *Foedera*, Ibid., pp. 441 ff. Cf. A letter of November 1, 1289, which Charles the Lame addressed to Alphonsus, King of Aragon.

[47] Cf. *Les Registres de Nicholas IV*, Nos. 560-561, 564.

In receiving the insignia of the new royalty, he acknowedged himself, like his father, Charles of Anjou, a vassal of the Holy See and obligated himself like him and under analogous conditions, to a tax of eight thousand ounces of gold, promising never to exercise at Rome and in the states of the Church the office of senator or podesta without the authorization of the Holy See.[48]

But if the Pope agreed to crown the son of Charles of Anjou, he refused absolutely all adhesion to the treaty and under pretext that this agreement had been wrested from Charles when he was in captivity, he as suzerain of the king and supreme ruler in cases of conscience, released him (September 12, 1289) from the oath by which he had sworn to execute the treaty made with Alphonsus of Aragon.[49] Furthermore, he reiterated (November 18, 1289) the excommunication against Alphonsus and his brother James[50] and decided to make them observe to the full extent the requirements of the Holy See; he had granted new titles to Philip the Fair (May 31, 1289) in order that he might take possession of Aragon for his brother, Charles of Valois,[51] and on June 20, 1289 he likewise granted others to Charles the Lame to retake Sicily.[52] He seemed desirous to renew the war which the princes, whose interests were most at stake, seemed anxious to avoid. In truth, Philip the Fair did not intend to renounce without compensation for his brother and for himself the rights over Aragon which France had received from the Holy See; and Charles the Lame, on his part, less restrained by his promises than by the consideration of the hostages which he had left in the hands of Alphonsus, wished to reserve his rights over Sicily. But despite the pontifical injunctions, neither one nor the other took up arms to vindicate their rights and Charles II, having returned to France, opened up new negotiations.

The papal envoys, Cardinal Gaetani and Cardinal Gerard, now endeavored to settle the affairs regarding Sicily and Aragon. An assembly met at Tarascon, consisting of twelve ambassadors from Aragon representing the nobles, barons, and citizens of the realm, and four ambassadors of Edward I of England and Charles II of

[48] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1289, No. 1-11.
[49] Cf. *Les Registres de Nicholas IV*, 1289, No. 1389.
[50] Cf. Ibid., No. 2262.
[51] Cf. Ibid., Nos. 991-1003 ff. [52] Cf. Ibid.. Nos. 1142-1152.

Naples. The task of drafting a treaty of peace, as a substitution for that of Oléron, was consigned to the papal legates, but especially to Benedict Gaetani. Charles the Lame had disinterested Charles of Valois, the brother of Philip the Fair, of his claims over Aragon by ceding to him the counties of Anjou and Maine. The treaty which was drafted at Tarascon, February 19, 1291, contained the following stipulations: Alphonsus was to retain his kingdom provided that he would ask pardon of the Pope for his conduct, surrender the hostages in his possession and lend no assistance in any form whatever to his brother James to maintain Sicily.[53]

This treaty was ratified on April 7, 1291 by Charles II of Naples and Alphonsus; regarding Aragon, however, this treaty violated the rights of the Holy See, and respecting Sicily it only partially observed them. The papal legates were about to submit the treaty to Nicholas IV for his adhesion, when Alphonsus suddenly died, leaving as his next heir James who ruled in Palermo. This death prevented the execution of the treaty. Nicholas IV, believing the occasion opportune to make the wishes of the Holy See triumph, commanded James once more (whom he addressed not as King of Aragon but simply as the son of Peter) to restore to Charles II the Island of Sicily and forbade him to interfere in the government of Aragon, threatening him in case of disobedience with ecclesiastical and temporal penalties. On August 1, 1291, he wrote to the bishops, abbots, and all the clergy of Aragon and forbade them under the most severe penalties to recognize James as their king.[54] These new treaties were as vain as the preceding ones for James, informed of the death of Alphonsus, left Sicily and entrusted the administration of it to his young brother Frederick and landed at Barcelona. He then went to Saragossa where on September 24, he was crowned king, reuniting from thence under his power Sicily and Aragon. After Benedict Gaetani returned from the French legation, he became daily more prominent in the Papal Curia. In 1291, Nicholas IV created him a cardinal-priest with the title of Saints Sylvester and Martin.[55]

[53] Cf. Rymer, *Foedera*, t. II, pp. 501 ff.

[54] Cf. *Les Registres de Nicholas IV*, nos. 6762, 6764-6774.

[55] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 350.

CHAPTER II.

The Election of Pope Celestine V.

Despite the deleterious effects on the welfare of the Church caused by the oft-repeated vacancies of the Holy See, the death of Nicholas IV which occurred at Rome, April 4, 1292, was followed by a new interregnum of about twenty-seven months. This pontifical interim was due partially to the rival ambitions which, dividing the Sacred College, incited its members "to prefer their own interest to that of Christ." The Sacred College, composed of twelve cardinals, six of whom were Roman, four from other parts of Italy, and two French, went into conclave in Rome after the funeral of Nicholas IV. Cardinal Latino of the Order of Friars Minor addressed the cardinals and exhorted them to a speedy election but the factious spirit of the Guelphs and Ghibellines which was then rampant in the conclave as well as in the city of Rome, divided the electors into the two hostile parties of the Orsini and the Colonna. The former led by Matthew Rosso Orsini preferred a Pope favorable to Charles II of Naples.[1] James Colonna led the opposite faction with which Benedict Gaetani was then allied. The parties being about equal in numbers at first rendered an election impossible.[2]

Besides the conflicts of ambition which divided the Sacred College, divers circumstances also contributed to retard the election of a new Pope. A few months after the death of the late pontiff, a fever ravaged Rome to which Cardinal Cholet succumbed on August 2, 1292. Out of the eleven remaining cardinals four retired to Rieti, viz Gerard of Parma, Matthew of Aquasparta, Hugh of St. Sabina, and Peter of St. Mark. The six Roman cardinals viz Latino of Ostia and John of Tusculum, Matthew and Napoleon Orsini, Peter and James Colonna remained in Rome. Benedict Gaetani retired to his native city Anagni. The pestilence having ceased, the cardinals returned to Rome about the middle of Oc-

[1] Cf. Muratori, *Rer. Ital. SS.*, t. XIII, p. 341.

[2] Cf. Baronius-Raynaldi, *Annal. eccles*, ad ann. 1292, nos. 18 ff.

tober and reassembled in conclave but without succeeding in electing a candidate to the papal throne.[3]

At the beginning of the year 1293, Rome became the scene of a violent sedition occasioned by disputes relative to the nomination of senators and its citizens became engaged in a bloody war. These disturbances were fomented by the Orsini and the Colonna, who disputed over the senatorial dignity as they contended in the Sacred College regarding the tiara. Thus scenes of pillage and carnage furnished a new motive for some of the cardinals to again depart from Rome, three of the Roman cardinals went to Rieti with Matthew of Aquasparta and Gerard of Parma; Benedict Gaetani went to Viterbo. James and Peter Colonna and John, Bishop of Tusculum, who remained at Rome, wrote to the other cardinals to the effect that they, being in Rome, could elect a Pope in their absence; but desiring their concurrence they requested their presence, so that the vacancy of the Holy See might speedily be terminated. This declaration savored of schism, since the three cardinals who were at Rome claimed to have the right to elect solely by the privilege of place, while the others, who were at Rieti, claimed a numerical right. The latter assembled the most skillful and adroit jurisconsults to examine the question and in accordance with their advice, they delegated the affair to arbiters, who decided that all the cardinals should assemble at Perugia on the Feast of St. Luke, October 18, 1293. Traditionally speaking, the Pope should be elected in the city where his predecessor died, but the cardinals agreed to assemble in Perugia where the winter passed without any choice having been made.[4]

At the close of winter, Charles II of Naples, otherwise called Charles the Lame, who had left France in order to regain his estates in Italy, passed through Perugia where he met his eldest son Charles Martel, the titular King of Hungary. The former, who was in reality only King of Naples, desired the election of a pontiff who would assist him to recover Sicily. The cardinals delegated Napoleon Orsini and Peter Colonna, together with a number of the clergy to meet these princes, whom they respectfully received and admitted to the conclave. Charles, King of Naples, was seated

[3] Cf. Ibid., 1292, nos. 17-21.

[4] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther*, t. II, p. 261.

between the first two cardinal-bishops and his son, Charles Martel, sat between the first two cardinal-deacons. Charles of Naples then addressed the Sacred College and exhorted its members to promptly fill the pontifical vacancy. Cardinal Gaetani rigorously resented the presence of princely laymen among the papal electors,[5] considering it an intrusion into affairs which the Church holds most sacred and which she would not allow a profane hand to touch; indeed he regarded their presence as a restraint upon the liberty of the papal electors. In truth, King Charles' speech was hardly motivated by a love for the Church and religion but rather by a desire to see a Pope elected who would increase his own interests and, as previously stated, assist him to regain Sicily. Charles of Naples, after spending a few days at Perugia, continued his journey to Naples.[6]

The cardinals who had now experienced about twenty-seven months of delays and deliberations assembled again at Perugia in June, 1294. Cardinal Napoleon absented himself being obliged to attend the obsequies of his brother, whose sudden death was due to a fall from his horse. This accident caused the cardinals to seriously reflect on their conduct and John, Bishop of Tusculum, asked why the cardinals deferred so long the election of a pontiff. Cardinal Latino took up the rejoinder and replied that it had been revealed to him by a saintly man, that if the cardinals did not hasten to elect a Pope, the Church would experience the anger of God before four months had elapsed. Benedict Gaetani asked if it were to Peter of Murroni, the anchorite, that this revelation had been made. Latino replied in the affirmative and said that Peter had written to him to the effect, that in his vigils before the altar, he had received a command from God to warn the cardinals of His impending chastisement. The members of the Sacred College then began to relate what they knew of the holy man, one revealed the austerity of his life, another spoke of his virtues, and a third of his miracles; and thereupon they proposed to elect him, Pope.

[5] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times*, p. 59.

[6] Cf. Muratori, *Rer. Ital. SS.*, XI, p. 1199. *Inde vadit* (Carolus) *Perusium ad rogandum collegium pro creationi summi pontificis, ubi et dura verba habuit cum domino Benedicto Gaytani.*

Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1293, No. 2.

Cardinal Latino, who noticed that the cardinals were now well disposed, gave his vote for Peter of Murroni as Pope, and asked for the suffrages of the other cardinals. Six of them voted for the same saintly personage; James and Peter Colonna, however, deferred until they had learned the intention of Cardinal Peter of St. Mark, who owing to illness was not present. The latter soon gave his vote to Peter of Murroni and Cardinal Napoleon did likewise. Benedict Gaetani, bowing to the inevitable, followed suit. Soon the eleven cardinals had cast their vote in favor of the anchorite (July 5, 1294). This done, they wrote a letter to him notifying him of his election [7] and supplicating him to accept the chair of Peter. This Romanesque choice did not fail to excite the enthusiasm of the mystics and the astonishment of the politicians.

Peter of Murroni, the future Celestine V, was so called from a mountain near Sulmona where he lived in solitude. He was born about 1215 in the diocese of Isernia in the province of Campobasso in Italy. His parents, Angelerio and Maria, were obscure people in the eyes of this world but rich in virtue and, in their piety, they desired that from among their twelve sons, God would be pleased to choose one for His service. God answered their prayer, for Peter, the eleventh son, from his earliest youth was much inclined to virtue, and his mother, a widow, beheld in him great qualities of mind and heart and took care to give him a good education. Evidencing an insatiable and irresistible desire for solitude, at the age of twenty years he withdrew to the hermitage of a neighboring mountain, and later to a grotto of another mountain where he found a huge rock, under which he dug a hollow cave, so narrow and small that he could scarcely stand or lie in it; there he dwelt for three years. Being advised to become a priest, he went to Rome where he was ordained, thence he went to Mt. Murroni near Sulmona, the episcopal city of the ulterior Abruzzi, where he found a cave which pleased him yet more; he remained in it for five years. Not finding his present abode sufficiently solitary, he withdrew to the Mount of Majella, near the very city of Sulmona where he found a very spacious

[7] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther*, t. II, p. 261.

grotto;[8] here he tasted visions and worked miracles. The example of his sanctity soon attracted a number of disciples whom, in his humility, he hesitated to receive, stating that he was a simple man and that his one desire was solitude but, his charity prevailing, he consented to accept them later. His disciples constructed a splendid oratory on Majella in honor of the Holy Spirit; this shrine later became a center of devotion. His followers chose the rule of St. Benedict and on June 1, 1264, Pope Urban IV approved "The Hermits of the Holy Spirit" *Eremitae Sancti Spiritus de Majella* as a branch of the Benedictine Order.[9]

The discipline and denial of the great ascetic were extreme. Taking Saint John the Baptist for his model, he wore a hair cloth roughened with knots; he also encircled his emaciated frame with an iron chain; indeed so excessive were his macerations that he was warned in a vision to treat his body less harshly. He fasted every day except Sunday, his bread was so hard that he could not cut it but was obliged to break it in pieces. So enclosed was his cell that his attendant at Mass served him through a window. He frequently slept on the bare ground, with a stone or a block of wood for a pillow and at times he spent the entire night in the recitation of the psalms. Despite his love for complete contemplation, he never refused to assist those who sought him in their spiritual needs.

Having learned that the Second General Council of Lyons (1274) was to suppress new Religious Orders, Peter of Murroni with two of his brothers set out for that city (November 1273). Upon his arrival, Pope Gregory X received the anchorite with honor although he was poorly clad and unkempt. By a Bull of March 22, 1274, the Pope granted him the confirmation of his Institute and ordained that the new Monastic Order should be guarded inviolably

[8] This information is contained in the autobiography that Peter left in this Grotto at the time of his elevation to the pontificate. Cf. *Acta Sanctorum*, IV, pp. 421-425. Paris and Rome, 1866.

[9] This congregation of (Benedictine) Celestines must not be confounded with the (Franciscan) Celestines, extreme Spirituals, whom Pope Celestine permitted (1294) to live as hermits according to the rule of St. Francis, but subject to the Franciscan Superior. In gratitude to the Pope they called themselves "*Pauperes Eremitae Domini Celestini.*" Owing to their heretical tendencies, they were disbanded by Boniface VIII in 1302.

to perpetuity. He confirmed the possession of all its estates and conferred on its members several privileges. Peter of Murroni returned to Majella in June, 1274. Twenty years later (in 1294), he withdrew to Mount Murroni being then almost eighty years of age. Here he lived as a pious recluse for thirteen months, when suddenly his contemplation was interrupted by an event "unparalleled in ecclesiastical history"; three eminent dignitaries accompanied by an immense number of monks and laymen had come to announce to him that he had been chosen Pope by a unanimous vote of the Sacred College.

The deputation consisted of the Archbishop of Lyons, the Bishop of Orvieto, and the Bishop of Porto together with two Apostolic-notaries. They ascended the mountain of Murroni by a narrow path and arrived at a small enclosure surrounded by a wall, with a small gate for an opening. Within the enclosure was a narrow cell partitioned into two rooms. A small window with iron bars marked the place where the Saint was wont to converse infrequently with visitors. Through the grate, they beheld the pious recluse with white and shaggy beard and furrowed cheeks, his emaciated form giving evidence of his self-denying discipline and extreme mortification. From his pale and ascetic countenance, two black eyes suffused with tears shone with the light of heavenly communication. The prelates, awestricken, uncovered their heads and reverently kissed the ground; the holy hermit did the same. The Archbishop of Lyons explained to Peter that he had been chosen Supreme Pontiff and thus speaking, he delivered to the bewildered hermit the sealed papers containing the important account of his election to the papacy. The holy hermit read the decree of his election and the archbishop conjured him to accept the proffered dignity; and thus terminate the troubles which agitated the Church; but Peter replied: "Such surprising news casts me into great incertitude; I must consult God, I beg of you to pray with me," whereupon he prostrated himself on the ground in profound prayer. Arising he said: "I accept the pontificate; I submit to it as I fear to resist the will of God and to fail the Church in her need." He thus obeyed what seemed to be the clear voice of God commanding him "to sacrifice his personal inclination on the altar of the public welfare." No sooner did the news

of the extraordinary event spread, than an immense multitude flocked to his side,[10] among whom was King Charles of Naples, with his son Charles Martel, the titular King of Hungary. These princes came with alacrity to visit him, not only to receive his blessing, but also to enter into his good graces and to guide and direct him. On the next day, they came again accompanied by Peter Colonna. At twilight, Peter left his cell and went down to the Convent of Majella.

The new Pope was indeed worthy of the reputation which had been spread concerning his sanctity, but he was "ill-adapted to perceive the cunning of the children of Adam." He lacked knowledge of men because from his youth he had fled from society, his mind being satisfied with that joy of heart which he felt in the contemplation of God.[11] Peter of Murroni had from his early years renounced all worldly hopes; he had studied neither science nor law, hence he was intellectually unfitted for the papal office. He surrendered many of his affairs to lay jurisconsults and chose a layman as his secretary. These men who were little instructed in ecclesiastical affairs had not the welfare of the Church at heart but rather their own.

Unfortunately even before his coronation, Peter was, as we shall see presently, but an instrument in the hands of Charles II of Naples and, after his coronation, the latter continued to exert a blighting and baneful influence on the inexperienced and unsophisticated pontiff. The cardinal-electors remained at Perugia and requested the Pope to come there to be crowned but the latter sent them a message that he was unable to travel so far, for accustomed as he was to the snows of the Abruzzi mountains, the summer heat had affected him greatly. In reality, it was Charles who was unwilling to come to Perugia and he persuaded the uncrowned Pope to go to Aquila, there to receive the pontifical insignia; in this manner he demonstrated to the cardinals his power and influence over the Pope. The cardinals in turn resented the idea of the pontiff's determination to go to Aquila, remembering well that when the French urged Martin IV to go there, as the Aragonese

[10] Cf. *Acta Sanctorum*, IV, p. 426, par. 19.

[11] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times*, p. 63.

were threatening his kingdom, he wisely refused and preferred being exposed to his enemies rather than desert his own territory. Peter, however, was unmoved by the sentiments of the cardinals and persisted in being consecrated at Aquila.

After Our Lord's example, he made his solemn entrance into this city mounted on an ass whose bridle was held by the two kings, Charles of Naples and Charles Martel. Only three of the cardinals had arrived at Aquila, yet King Charles of Naples ordered the pontiff to be crowned; but the ceremony had to be repeated in traditional form three days later, when the remaining cardinals (with the exception of Cardinal Gaetani who alone remained in Perugia) reached Aquila. Peter of Murroni in the presence of a large concourse of people was crowned on August 29, 1294, the feast of the Decollation of St. John the Baptist. The new Pope took the name of Celestine V.

Although he lacked neither good sense nor discernment to speak to the purpose, yet want of experience and knowledge of the world made him uncertain and timid. He spoke little and always in Italian and never made a speech in public. Being a stranger to the world, to its workings and its wiles, his sole qualification for the papacy was his undisputed sanctity; but sanctity alone does not suffice for the government of the Church. His rule was weak and wavering and while he regretted his solitude, the cardinals in turn began to deeply deplore his inability to govern the Church.

According to custom, Celestine issued a circular-letter to the bishops upon his promotion to the pontificate in which he stated that the burden he had assumed far surpassed his strength and that it terrified him since he had so long lived in solitude, apart from the cares of the world; but when he considered the evils brought to the Church by the protracted vacancy of the Holy See, he submitted to the burden trusting in the power of Him who had imposed it on him.[12] This letter proves conclusively the falsity of the statement made a century later, that he refused the pontificate and fled in order to avoid it.[13]

During the Ember-days of September, 1294, he created twelve

[12] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1294, no. 15.
[13] Cf. *Acta Sanctorum*, IV, p. 426, par. 18.

cardinals, seven French and five Italian. The former were Béraud de Got, whom Celestine made Cardinal-bishop of Albano, Simon de Beaulieu, Bishop of Palestrina, John Lemoine, Cardinal-priest of Sts. Marcellina and Peter, William Ferrier, Cardinal-priest of St. Clement, Nicholas de Nonancourt, Cardinal-priest of St. Lawrence, Robert, Abbot of Cîteaux, Cardinal-priest of St. Pudentiana and Simon, a monk of Cluny, Cardinal-priest of St. Balbina.[14]

Of the five Italian cardinals two were monks of Celestine's own order to each of whom he gave the title of cardinal-priest, viz Thomas of Teramo of the title of St. Cecilia and Peter of Aquila of the title of St. Marcellus. Celestine raised these two religious to this dignity in order that having them with him, he might be enabled to continue the exercises of the monastic life. The other three cardinals Landulph Brancaccio, William Longo, and Benedict Cajetan were only cardinal-deacons, the latter was a nephew of Cardinal Gaetani. The majority of the older cardinals deplored the fact that these promotions to the cardinalate were made secretly by Celestine; the names of the candidates were only made known on the eve of their promotion; and worst of all the French cardinals were created at the suggestion and solicitude of Charles of Naples.

On September 27, Celestine issued a Bull in favor of his own congregation, the Celestines. By it he conferred on them many privileges, exempting them from the jurisdiction of the bishops and placing them under the particular protection of the Holy See. Meanwhile Charles II, mindful of the magnificent profit which would come to the House of Anjou by the manipulation of a pontiff so guileless and gracious, persuaded Celestine to transfer, at least temporarily, the papal residence to Naples.[15] The injudicious pontiff soon yielded to the whims of the "tricky sovereign" and in October he left Aquila for Naples, the city where Charles resided. On his way he visited the Benedictine monks of Monte Cassino and endeavored to impose the rule of the Celestines on them; "the monks humored him while he was with them." At

[14] The appointment of the French cardinals indirectly led to the Avignon Exile.

[15] Cf. Parsons, *Studies in Church History*, vol. 11, p. 411, New York, 1896.

the end of October, the Pope reached his destination and took up his abode in a small cell in the Castel Nuovo, the residence of Charles II.

During his brief reign, Celestine granted privileges and offices with a lavish hand. It is related, without due authority, however, that he conferred the archbishopric of Lyons on Louis, the second son of Charles the Lame and prisoner of the King of Aragon. The youth was not yet twenty years of age and had not received the tonsure; there is no trace of this appointment, however, in either Gams or Eubel.[16] Refusing no one, he was found to have granted the same benefices to three or four rival suitors; so that the affairs of the Curia were soon in deep disorder. He bestowed benefices without the concurrence and consent of the cardinals and in their absence. His intention, however, was always pure and the simplicity and solitude in which he had passed his life, his lack of experience, and his advanced age made him commit many faults for which he was not responsible; furthermore, the artifices and exploitations of his officers and of others severely tried him.

To the deep dissatisfaction of the elder cardinals, so undisciplined and so agitated in the late conclave, Celestine just before his abdication in December, 1294, vigorously renewed the constitution of Gregory X regulating the conclave, which law both Adrian V and John XXI had suspended.[17] Gregory's constitution, which is still substantially the rule that regulates the election of the Pope, ordains that on the death of the Pope, the cardinals, after having celebrated his obsequies, shall on the tenth day enter into the conclave, whether all or the more distant members composing the Sacred College have arrived or not, and that they shall remain in conclave until they shall have chosen a successor. If after three days from the opening of the conclave, no election has been made, their fare shall daily grow scant in proportion to the period of their delay, until it is reduced to bread, water, and wine, which shall be their only nourishment until their work is done.[18]

[16] Cf. Loughlin, Art. "Celestine V," *The Catholic Encyclopaedia,*" vol. III, p. 480.

[17] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1294, No. 17.

[18] Cf. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, t. XXV, col. 95, Paris and Leipzig, 1903.

After Celestine renewed the conclave-ordinance of Gregory X, he made three constitutions; by the first, he annulled the suspension of the conclave-ruling which had been ordered by Adrian V and John XXI; by the second, he released King Charles from the oath that the cardinals had exacted of him of neither confining nor retaining them in his kingdom, if Celestine happened to die there; by the third, he ordered that the decree of the conclave should be executed, in case of death or in case of the renunciation of the Pope.[19] Some of the cardinals now clearly complained that the government of Celestine was dangerous and detrimental to the welfare of the Church and to the city of Rome. While the Pope was on his way to Naples, a few of them had already insinuated that he should resign his office and that he could not live as Pope in security of conscience. There were now two distinct factions in the Church, one composed of the advocates of the Pope viz Charles of Naples, the Celestine monks, and the vice-chancellor of the Pope, John of Castrocielo, the other comprising the opponents of Celestine or those who lamented his weak government and his official incapacity.

His Abdication.

As the holy season of Advent drew nigh, Celestine wished to remain in retirement in his improvised cell in the Castel Nuovo.[20] He decided to entrust the government of the Church to three cardinals whom he empowered to attend to all affairs in his name.[21] Their commission was drawn up but unsealed when Cardinal Matthew Rosso Orsini came from Rome to Naples. Upon his arrival he persuaded the Pope of the imprudence of his act, as it would seem to create three Popes at one and the same time; he advised him to annul it. The Pope did so, but nevertheless he feared that his soul was in danger and he grieved to know that he was exploited and deceived by the members of the Curia. Then too, he deeply deplored the lost happiness of his cell and the lapses from the perfection to which he aspired. If Rohrbacher may be

[19] Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 41.

[20] Cf. *Analecta Bollandiana*, t. XVI, p. 420, Brussels, 1897.

[21] The outline of this Bull still remains. Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 38.

believed, Celestine tearful and trembling was frequently heard to say: "They tell me that I have power in this world over souls, why then can I not assure the salvation of my own and discharge myself of all these cares, in order to procure my repose as well as that of others? Has God asked of me the impossible and has he elevated me only to cast me down? I behold the cardinals divided, I hear complaints against me on all sides. Is it not worth more for me to break my bonds and leave the Holy See to one who knows how to govern it in peace, if it is yet permitted me to leave this abode and return to my solitude?" [22] In his uneasiness and anxiety, he was also heard to exclaim: "O my God, while I rule over souls, I am losing my own." Thus visions of his former solitude haunted him and his soul was frightened by the fear of hell into which he might fall headlong on account of the evils from which the Church was suffering due to his shortcomings.

In his anxiety, he went for spiritual advice to Friar James of Todi, one of the Franciscan Celestines, who on account of his singular severity of life had become endeared to him. The friar admonished him and told him that the papacy for him was a terrible experiment in which his sanctity would be tested; that he was a spectacle in the eyes of all; that he should consider the Roman Curia as a furnace in which gold is tried and separated from the dross; that he should have been more adverse to placing around his neck a yoke, the acceptance of which could hurl him into eternal perdition, and that he should flee the frauds and deceits of the Curia and the flatterers intent solely on their own gain, and that he should look to himself. The consternation which the admonitions of Friar James of Todi caused in the mind of this saintly old man was inexpressible.

However, he was uneasy and anxious regarding the possibility of his abdication for a serious canonical doubt arose in his mind: "Can a Pope resign?" He read in one of his books comprising extracts from the *Corpus Juris Canonici* that it is permissible for any ecclesiastic to renounce his benefice for a valid reason and with the consent of his superior. But he doubted if a Pope who has no superior, were included in this ruling, and regarding this

[22] Cf. Rohrbacher, *Histoire Universelle de L'Église Catholique*, t. VIII, pp. 346 ff.

delicate difficulty he consulted Cardinal Gaetani, who, among all the cardinals, was renowned for his sound, sane judgment and legal training. This trained canonist informed him that he could abdicate provided he had a sufficient cause. Celestine replied that he himself was the judge of the sufficiency of the cause and after he received a like decision from another of his consulters, probably the Cardinal-bishop of Sabina who was friendly with Charles of Naples,[23] he made a resolution to abdicate. Celestine spoke of his prospective resignation to his entourage and soon all sorts of rumors circulated; some related that Christ Himself had said to him: "What doth it profit a man if he gain the whole world and suffer the loss of his own soul?" When the Celestines heard of his intended resignation, they begged and besought him not to abandon the papacy in which case they would be exposed to insults and could not subsist; and they secretly incited the people of Naples to go to his palace and demand to see him. He appeared and met their remonstrances with an evasive reply which disguised the unalterability of his purpose.

Five days later, the Pope convoked the cardinals and addressed them thus: "My age, my manners, the grossness of my language,[24] my lack of intelligence, my want of prudence and experience make me feel the peril to which I am exposed by the Holy See. This is why I solicit your advice as to whether I can abdicate in security, and whether it will be for the welfare of the Church to renounce the Sovereign Pontificate." The cardinals told him to prolong his experience a little, warning him not to listen to false advisers and to correspond with them alone. They entreated him, however, to order processions and public prayers in order to ask God to make known what would be best for the welfare of the Church.

Early in December, about the Feast of Saint Nicholas, Charles II organized a solemn procession of the religious and the clergy of Naples: it proceeded from one of the local churches to the palace of the king where the Pope dwelt. Several of the prelates with loud acclamations asked the pontiff to give them his bless-

[23] Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 40.

[24] Celestine had not a sufficient knowledge of Latin, so he spoke in Italian.

ing; he did so; whereupon the clergy and the people supplicated him to allow no one to influence him to abdicate. One of his attendants replied for him that he had not the intention of doing so; and soon one of the bishops intoned the Te Deum and the procession disbanded. Every one, even King Charles of Naples, who had vigorously opposed the Pope's resignation, believed that Celestine no longer thought of abdication.

Meanwhile the Pope deferred but did not renounce the execution of his design, despite the almost endless entreaties and supplications that were addressed to him. For eight days, he made no reference whatever to the matter of his resignation and his silence was interpreted as a mark of repentance of his resolve. Such, however, was not the case for he sent again for Benedict Gaetani, the celebrated canonist of the Sacred College, to ask him what he would be required to do in order to perform the act of abdication canonically. Gaetani informed him that he would be obliged to draw up an act of abdication and he supplied him with a model. Finally on the thirteenth of December, the Feast of St. Lucy (1294), Pope Celestine summoned the cardinals in consistory. Under his red cloak, he carried the act of resignation; he drew it forth and after forbidding the cardinals to interrupt him, opening it, he read these words: "I, Celestine, the fifth Pope of the name, moved by legitimate reasons, that is to say, for the sake of humility, of a perfect life, for ease of conscience, on account of my weakness of body, of want of knowledge, of grief accasioned to the people, and in order to regain the peace of my former state of life, voluntarily and freely abandon the papacy, and I expressly renounce this charge and this dignity giving from this instant full and free power to the Sacred College of Cardinals to elect canonically a pastor for the universal Church." [25]

During the reading, some of the cardinals could not restrain their sighs and tears. Matthew Rosso Orsini, the eldest cardinal-deacon, by order of all, said to Celestine: "Very holy Father, if it be not possible to persuade you to change your resolution, make a constitution which expressly states that any pope can renounce his dignity and that the College of Cardinals can accept his resig-

[25] Cf. Rohrbacher, *Histoire Universelle de L'Église*, t. VIII, p. 347.

nation." The Pope agreed; Matthew Rosso Orsini dictated the constitution and it was later incorporated in the *Liber Sextus Decretalium*.[26] The cardinals entreated and exhorted him to pray for the people whom he had left without a pastor, whereupon Celestine divested himself of the papal insignia and left the room clothed as a simple monk, "his countenance radiant with an angelic brightness;" this sight affected the cardinals to tears. Thus did Celestine who had occupied the Sovereign Pontificate for five months and a few days since his election, and three months and one-half since his consecration, renounce the Papal Supremacy. Petrarch, a Florentine poet, comments thus on the resignation of Celestine: "This action supposes a grandeur of soul wholly divine, which one can only meet in a man entirely convinced of the nothingness of all the dignities of the world. Contempt of honors comes from an heroic courage and not from pusillanimity; on the contrary, the desire of honors only possesses a soul which has not the courage to raise itself above mundane things."

The Relations of Benedict Gaetani With Pope Celestine V.

The fact that Cardinal Gaetani, as Boniface VIII, succeeded Celestine V, who was still living, together with the fact that Celestine consulted Cardinal Gaetani as to his abdication[27] have occasioned numerous accusations and calumnies against the character of Boniface VIII. Had Celestine V died in office, the character of Boniface would undoubtedly have been less villified. At the outset, the attitude which Cardinal Gaetani and Celestine V manifested towards each other must be noted. According to Finke,[28] unfriendly relations existed between them in the conclave of July, 1294, for Cardinal Gaetani was not in sympathy with the election of Celestine V and the statement that he himself strove for the papacy may be correct. His aversion for the Anchorite-Pope together with his ever-emphasized hostility for Charles of Naples kept him away from Aquila but he surely did

[26] Cf. Boniface VIII, *Liber Sextus Decretalium*, lib. I, tit. VII, cap. 1, *De renunciatione*, pp. 182 ff., Lugduni, 1584.

[27] Cf. *Analecta Bollandiana*, t. XVI, p. 420.

[28] Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 37.

not stay away from the Curia because he feared the kind-hearted aged pontiff. The unfriendliness between Gaetani and Celestine V still existed in Sulmona in the beginning of October, 1294, as we note from the following passage:[29] *Dum Coelestinus primo anno sui pontificatus ante renuntiationem suam moraretur Sulmonae et vellet ire Neapolim, Berardus pater dicti testis de mandato dicti domini Coelestini fuit ad dominum Benedictum Gayetanum cardinalem tunc Sulmonae et cum diceret ei ex parte domini Coelestini praedicti sicque rogaret, quod associaret et iret cum eo Neapolim, ipso teste praesente et audiente, respondit dictus dominus Benedictus et dixit: 'Eatis vos cum sancto vestro, quia ego nolo venire nec spiritus decipiet me ulterius de ipso.'* In fact Cardinal Gaetani until his stay in Naples had stood completely aloof from Celestine and his politics; but in the last weeks of the reign of the Anchorite-Pope, Cardinal Gaetani "became lord of the Curia and exercised great influence over the pontiff," *poterat multum cum papa Coelestino;* indeed he was one of the three cardinals to whom Celestine had decided to assign the guidance of the Church, had not Matthew Rosso Orsini thwarted his plan.[30]

The French have designated in their "Accusation Acts," two cardinals, Gaetani and Hugh of St. Sabina, who *dolo et fraude induxerunt et seduxerunt Celestinum ad statuendum, quod papae liceat renuntiare papatui et ad renuntiandum de facto papatui.*[31] Sismondi says that Benedict Gaetani of Anagni carried on a propaganda among the members of the Sacred College who, dissatisfied with the weak and wavering rule of Celestine, exaggerated the danger that threatened Christendom as the result of his government.[32] He claims that by dexterity and dissimulation Gaetani ruled over the mind of Celestine and induced him to resign a position for which he was not fitted.

The most reliable authorities of the fourteenth century, however, ascribe no more influence to Benedict Gaetani than to any other Cardinal, in fact he appears to have acted not in his own

[29] Cf. Dupuy, *Actes et Preuves*, p. 529.

[30] Cf. Finke, *Aus den Tagen Bonifaz VIII*, p. 38.

[31] Cf. Dupuy, *Actes et Preuves*, p. 428.

[32] Cf. Sismondi, *History of the Italian Republics of the Middle Ages*, vol. XIV, chap. V, p. 106, Paris, 1826.

name but as the mouthpiece of the Sacred College.[33] Ptolemy of Lucca, a contemporary of Boniface and one who is not at all partial to him, says that Pope Celestine was urged to resign by some of the cardinals, that grievous injury to the Roman Catholic Church migh be averted, while others declared that the evils of his administration would cause the loss of his soul. *Hoc igitur percipientes quidam de collegio jam imcipiunt querelari, et Ecclesiae fluctuationem attendere, ac etiam eidem pontifici insinuare sub praetextu suae sanctitatis, quantum sibi periculum imminebat. . . . Vadens igitur illuc (Naples) multum stimulatur ab aliquibus cardinalibus quod papatui cedat, quia Ecclesia Romana sub ipso periclitabatur, et sub eo confundebatur: quibus stimulis concitatur Sanctus Pater* Again: *Hoc autem non obstante, adhuc aliqui cardinales mordaciter infestant, quod in periculum animae suae papatum detinebat, propter inconvenientia et mala, quae sequebantur ex suo regimine.*[34]

Finke ascribes due merit to Schulz for having emphasized the great possibility that the abdication-plan originated in the mind of Celestine himself.[35] If we consider dispassionately the relations between the Pope and the cardinals, we may assume that the severely tried old man who did not understand much Canon Law, conceived the idea of abdication rather than the cardinals, who were skilled canonists and given to theoretical procedure, however much the latter would wish to be free from the rule of Celestine. In those days, certainly Cardinal Gaetani's relations with Celestine must have been friendly, for Boniface VIII himself explained to Stephaneschi that Celestine would have designated him as his successor [36] and the life of Celestine indicates the same. We may reasonably conclude then upon the testimony of facts that Benedict Gaetani did not induce Celestine to resign.

[33] Cf. Parsons, *Studies in Church History*, vol. II, p. 425.
[34] Cf. Muratori, *Rer. Ital. SS.*, t. XI, lib. XXIV, cap. XXX II, p. 1200.
[35] Cf Finke, *Aus den Tagen Bonifaz VIII*, pp. 39 ff.
[36] Cf. *Acta Sanctorum*, IV, lib. III, p. 483, C, 200 ff.

CHAPTER III.

The Early Pontificate of Pope Boniface VIII.

Ten days after the abdication of Celestine V, the cardinals numbering twenty went into conclave (December 23, 1294) in the Castel Nuovo at Naples. They thus acted in conformity with the Constitution of Gregory X, which Celestine V had renewed before his abdication in order to hasten the papal election. They had deeply deplored the removal of the Holy See to Naples; many of them, too, favored an Italian candidate, one who would free himself and the Church from the slavery of Charles of Naples, reinstate the papacy at Rome, and put an end to anarchy. The cardinals seemed favorably disposed to elect Cardinal Gaetani, who figured prominently in the Sacred College. We have, however, comparatively little information concerning the election of the new Pope.

One day of the conclave had scarcely passed, the Holy Sacrifice of the Mass having been offered and the usual prayers said, when by an overwhelming but not a unanimous vote, Benedict Gaetani, Cardinal-priest of the title of Saints Sylvester and Martin, was elected Pope (December 24, 1294). No one knew better than the incumbent the heavy burden which had been placed upon his shoulders, for he, having grown old in the papal court, knew what a Supreme Pontiff should be; he knew, furthermore, the distressed conditions of the Church and, in donning what Dante calls "the weight of the great mantle," he felt the sorrow of the papacy in all its bitterness. It is no wonder then that, realizing his responsibility, he felt his soul oppressed by the greatness of his office and could not refrain from weeping.[1] In submission to God's will, however, he accepted the burden and later took the name of Boniface, being the eighth Pope to bear that name. As if aware of a stormy future, he adopted, according to the custom of the pontiffs, as a motto for his seal the words: *Deus in adjutorium meum*

[1] Cf. Baronius-Raynaldi, *Annal. Eccles.* ad ann. 1294, no. 23.

intende. "Incline unto my aid, O God."[2] Surely his prayer was not unanswered.

To elevate Roman virtue was the worthy thought of his large and generous soul and of his upright and inflexible conscience. Knowing full well that the Popes were ill at ease and dependent when they resided in the house of another and wishing, too, to free himself from the interference of King Charles of Naples, he decided to set out for Rome. Despite the rigors of the winter, he left Naples, January 2, 1295, exhorting the Neapolitans to remain faithful and entreating Charles to exercise a benign rule over his people. When he reached Capua, he took the way of San Germano and paid a visit to the monastery of Monte Cassino and then, following the way to Ceprano, he descended into the fertile valley of Anagni. His native city, out of reverence for him as Supreme Pontiff, accorded him splendid honors. A party of Roman patricians was deputed to offer him the dignity of Roman Senator and he, following the example of his predecessors, appointed a legate to exercise the functions of it and continued his journey to Rome. This city, which for three years had been bereft of the Sovereign Pontiff, received him as its deliverer. The nobility came on horseback; the clergy marched in procession singing hymns and canticles, while the militia granted him a royal welcome.

Amidst pomp and ceremony which has scarcely been surpassed, the new Pope was crowned at St. Peter's in Rome by Cardinal Matthew Rosso Orsini on January 16, 1295. Before his coronation, he advanced to the altar of St. Peter's and made a profession of faith,[3] promising to defend and protect Holy Mother the Church, at the price of his blood. He was then encircled with a crown which was said to have been given to Pope St. Sylvester by Constantine. On presenting him with the tiara, the Cardinal addressed him thus: "Receive the tiara, in order to know that

[2] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times*, p. 83.

[3] Cf. Bushbell, "*Die Professiones Fidei der Päpste*," *Römische Quartalschrift*, 1896, pp. 131 ff. He claims that the Bonifacian formula is a falsification and that Boniface had never made such a profession but he does not prove his assertion. Mansi does not consider the profession apocryphal. Some profession of faith must have been made, though the formula usually cited may not be authentic.

thou art the father of princes and of kings, the ruler of the earth, the Vicar on earth of our Saviour Jesus Christ, to whom be honor and glory forever and ever."

Then followed the solemn procession from St. Peter's to the palace of the Lateran; the cortège consisted of cardinals, numerous prelates, apostolic officers, and magistrates of the city, the lords of Rome, the Orsini, the Colonna, the Conti, and the Annibaldi, together with a number of noble Neapolitans. The Pope with his richly-ornamented tiara was mounted on a white horse covered with a purple saddle cloth. The bridle was held by Charles of Naples on the right, and on the left by his son, Charles Martel, the titular King of Hungary. When the pontiff reached the palace of the Lateran, he entered a sumptuously decorated room where he attended a festival prepared for him by the principal personages of the cortège. The guest-tables shone with vessels of gold and silver; Boniface sat at the highest table and was served by the King of Naples and his son clothed in their royal insignia. At the conclusion of the banquet, the Pope was conducted to his own apartment. Boniface doubtlessly desired this magnificence as he was a lover of display, and it is said, that he believed that this pomp would elevate the papal dignity which his predecessor, in his simplicity, had abased.[4]

On January 24, 1925, Boniface VIII published his first encyclical in which he spoke of the magnificence and the invincible power of the Church and related the story of his elevation to the papacy.[5] Scarcely was the new Pope installed in Rome, than he issued a Bull *Olim Celestinus* (April 8, 1295), revoking the privileges claimed on the authority of his predecessor Celestine V as many of them were forged and worthless and others had been extorted from his inexperience by some of the members of his entourage. He did this, not from contempt of Celestine, but rather for the welfare of the Church.[6]

[4] Cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther*, t. II, p. 266.

[5] Cf. Baronius-Raynaldi, *Annal. Eccles.* ad ann. 1295, nos. 7-9; Cf. Denifle, *Archiv. für Literatur und Kirchengeschichte des Mittelalters*, t. V, p. 493, Freiburg im Breisgau, 1889.

[6] Cf. *Les Registres de Boniface VIII*, vol. I, no. 770, Digard, Fauçon and Thomas, Paris, 1884.

The person of Celestine himself was soon to be the source of serious difficulties for the new pontiff. After the former had abdicated, he dwelt for a short time in the Castel Nuovo at Naples and then set out for Sulmona. Boniface, meanwhile, was somewhat disturbed, lest those who did not believe that the resignation of Celestine was possible and who consequently looked upon him as an illegitimate Pope, should urge Celestine to reascend the papal throne and thus give rise to a schism. Although he feared nothing from the sincere and sainted hermit himself, he feared much from his associates, and therefore he had Celestine brought to Rome in order to remove him from the influence of unscrupulous and intriguing men. But the Saint yearned for his cell in the Abruzzi and, having escaped by way of San Germano, he visited the monks at Majella. Boniface ordered his arrest but Celestine evaded his pursuers and took refuge for several months in the mountains and woods. The news of his flight spread like wild fire and people were most anxious to see this holy hermit who had worked many miracles and had even renounced the papacy.

Celestine's flight was dominated, however, not by any fear of Boniface, much less by any ambition to reassume the papacy but rather by an insatiable desire for solitude, whereas, if he were compelled to live at the papal court, this yearning could hardly be fulfilled and thus the main purpose for which he abdicated would be defeated. His followers had secured a vessel for him and he attempted to cross the Adriatic to Greece but a storm prevented this course; he was captured at the foot of Mount Gargano and later delivered into the hands of Boniface.[7] The Pope gave him a room in his own palace and then consulted the cardinals as to the manner of procedure in his regard. Some thought that he should be allowed to go free to his cell on Mt. Murroni; others thought that he should be carefully guarded, lest his simplicity should be exploited by wicked intriguers to the danger and detriment of the Church. Boniface, therefore, had him detained in a tower in the Castle of Fumone where he had constructed for him a cell similar to the one of Mt. Murroni; here Celestine went into solitude about the middle of August.

[7] Cf. *Analecta Bollandiana*, t. XVI, p. 427.

Regarding his imprisonment in the Castle of Fumone, we read in the Analecta Bollandiana [8] that when this holy recluse was enclosed in this tower he rendered thanks to God and said: "A cell I have desired; a cell I have, as it is pleasing to your will, O my God." And he rejoiced greatly that he had been cast into such a prison. He requested, however, that two of his brothers might be given to him as companions, in order that he might be enabled to say the Divine Office with them; but they being unable to endure the close confines of the prison, became sick; other companions were then given to him. So great, indeed, was the narrowness of his cell that the spot whereon the hermit stood when saying Mass, was the same as that whereon his head lay when he reclined; yet the pious anchorite bore his discomfort patiently and relinquished none of his austerities.

Among the adherents of Celestine, there was much dissatisfaction upon learning that the holy hermit and the wonder-worker had been imprisoned by Boniface, whom they considered an illegitimate Pope and whom they styled a tyrant. But Boniface prudently imprisoned Celestine because he would have been a pliant instrument in the hands of unscrpulous parties, hence a schism might easily have been caused as was afterwards proved by the conduct of the Colonna family. Ptolemy of Lucca informs us thus: "Boniface sent couriers after Celestine and he was put in custody to avoid danger to the Roman Church, for some persons doubted whether he could abdicate and hence there was danger of a schism; [9] therefore, he was kept in confinement in the Castle of Fumone." Indeed the detention of Celestine by Boniface is in no way blamable, "but the rigorous treatment to which the venerable old man of over eighty years was subjected, whoever may be responsible for it, will not easily be condoned." [10] The holy and humble anchorite, however, bore it with patience and resignation and he lived imprisoned in the castle of Fumone for ten months in penance and prayer. It was his custom to spend the days be-

[8] Cf. Ibid., pp. 429 ff; cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1295, no. 13.

[9] Cf. Muratori, *Rer. Ital. SS.*, t. XI, lib. XXIV, cap. XXXIV, p. 1202.

[10] Cf. Oestreich, Art. "*Boniface VIII*," *The Catholic Encyclopaedia*, Vol. II, p. 662.

tween the Ascension and Pentecost in profound recollection. As the latter Feast approached, he became very ill; a virulent tumor which defied all human skill was detected in his left side. He foretold his death and having received Extreme Unction desired to remain in peace and quiet. On Pentecost Sunday, May 19, 1296, he recited the psalms with his brothers and then calmly expired, being in the eighty-first year of his age. As soon as Pope Boniface heard of his death, he sent Thomas, cardinal of St. Cecilia, to attend to the obsequies of the former Pope. They were held in the Church of St. Anthony of Ferentino and were attended by a large number of clergy and prelates of Campania. His sanctity was attested by many miracles.[11]

Clement V decided to canonize Peter Celestine (1313) and he gives a true estimate of him in the Bull in which he raised him to the honors of the altar. He says of him: "A man of stupendous simplicity and unskilled in matters concerning the administration of the universal Church (for from his boyhood to his old age, he had not applied himself to worldly affairs but only to those divine), prudently viewing himself with the closest attention, he freely and entirely resigned the honors and burden of the papacy, in order that no further evil would be occasioned to the universal Church by his government of it; and because being freed from the disturbing cares of Martha, he could, with Mary, remain at the feet of Jesus in the peace and happiness of contemplation." [12]

Boniface VIII was possessed of a piety worthy of a Pope; Jesus Christ was his life and his strength, after Whom he took for his models and for his supports the Apostles, the Evangelists and the Doctors, the solemn promulgators of Divine Wisdom and the defenders of the apostolic traditions. In order, therefore, to increase and intensify divine worship, he exalted with solemn rites the feasts of the four Doctors of the Latin Church, viz Ambrose, Jerome, Augustine, and Gregory the Great.[13]

The relations of Boniface with the College of Cardinals were

[11] Cf. *Acta Sanctorum*, IV, p. 528, par. 121; cf. *Analecta Bollandiana*, t. XVI, p. 432; Drumann, *Geschichte Bonifacius VIII*, part I, pp. 14-18, Königsburg, 1852.

[12] Cf. *Acta Sanctorum*, IV, cap. VI, p. 434, par. 49.

[13] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1295, no. 55.

frequently strained, but this fact did not prevent him from referring to that body for the direction of the Church; the consistories were frequent during his reign and many of his decrees or other official publications mention the opinions of the cardinals. In this regard, he differed from his predecessor and his successor. The former, (Celestine V), rarely consulted the cardinals and allowed Charles of Naples to rule; the latter, (Benedict XI), wished to have the Sacred College irremediably divided and powerless.

During the Ember-days of December of the first year of his pontificate, Boniface created six cardinals. Three of them were related to him by ties of blood, viz Thomas Gaetani, of the Order of Friars Minor, a nephew of the Pope who took the title of Cardinal-priest of St. Clement, Andrew of the family of Segni, a cousin of the Pope, who was also of the Order of Friars Minor and who was possessed of such deep humility, that he at first refused the dignity of the cardinalate but later accepted it; and the third, Francis Gaetani, son of Geoffrey, a brother of the Pope. It was Francis Gaetani who assisted in the compilation of the *Liber Sextus Decretalium* and later boldly defended the reputation of his dead uncle against the heinous charges which were advanced against him. The other cardinals created at this time were Francis Napoleon Orsini of the title of St. Lucy, James Stephaneschi of the title of St. George, and Peter Valerian of Piperno. Boniface shortly after created six more cardinals among whom were the Dominican, Nicholas Boccasino, who later became Pope Benedict XI, and Peter of Spain, the Cardinal of St. Sabina, both of whom remained at his side in the dreadful outrage at Anagni. It must be noted that no French and no Sicilians were promoted.

Early in his pontificate, the attention of Boniface was directed to the uprisings in northern Italy where there was feverish unrest. During this period, partisan spirit, the love of freedom, the desire of domination, and the thirst for conquest were not only prevalent but rampant. Venice and Genoa, Pisa and Florence were at war with each other.[14] The Guelphs and Ghibellines were two important factions at this time; their names "Guelph" and "Ghibel-

[14] Cf. Alzog, *Universal Church History*, vol. II, p. 615, Cincinnati, 1903.

line" originated in Germany in the rivalry between the House of Welf (Dukes of Bavaria) and the House of Hohenstaufen (Dukes of Suabia) whose ancestral palace was Waiblingen in Franconia. After the death of Henry VI (1197), a struggle ensued in Germany and in Italy between the rival claimants of the empire, i. e., Henry's brother, Philip of Suabia, and Otho of Bavaria. According to the more probable theory, it was then that the names of the factions were introduced into Italy, "Guelfo" and "Ghibellino" being the Italian forms of "Welf" and "Waiblingen."[15] Since the Hohenstaufen princes were the constant opponents of the papacy, the term "Guelph" came to denote the adherents of the papacy and the term "Ghibelline" signified the allies of the empire. The Commune in Italy was a disintegrating force and was excluded from all voice in the government; however, the Pope favored the development of the Commune so that the Guelphs were, generally speaking, the republican commercial burgher party and the Ghibellines represented the old feudal aristocracy of Italy. The Ghibellines were descended from Teutonic families planted in the peninsula by the Teutonic invasions of the past and thus they naturally looked to the emperors as their protectors against the growing power and pretensions of the cities. It is evident, however, that these names were merely adopted to designate parties that existed from the end of the eleventh century in one form or another; in order to realize their special significance, it would be necessary to consider the local politics and the special conditions of each individual state and town. The rivalry of city against city became a specious pretext for one to declare itself "Guelph" and the other "Ghibelline," e. g., Pavia was Ghibelline because Milan was Guelph.

Since the Guelphs were a papal party, one must not be surprised that the clergy enrolled themselves in it with such fervor but being a human faction, imperfections entered among its members and the clerical dignity became stained with civic cruelties. The Guelphs should have protected the papacy like a wall but, unfortunately, divisions rose among them. The clergy of Rome or the

[15] Cf. Gardner, Art. "*The Guelphs and the Ghibellines*," *The Catholic Encyclopedia*, vol. VII, p. 57.

"Ecclesiastical Aristocracy," so to speak, somewhat injured the Guelphs and the papacy. Through the conferring of ecclesiastical dignities and the highest offices in the Church upon unworthy members of the nobility, disorder entered the ranks of the clergy and, for this reason, some cardinals and prelates participated in the vices of those families which composed the Roman patriciate. The Savelli, the Orsini, and the Colonna had attained high ecclesiastical dignities, but they had brought to these high offices the rivalries of their families and thus had deprived the papacy of that power and dignity which it required in order to purify Guelphism of its corrupting vices.[16]

When Boniface VIII was a priest, he was a Ghibelline because his family followed that party and when he became a cardinal, he did not renounce this allegiance, both because of the ties of family affection and because of the great contempt he had for the Angevines; but when he became Pope, by reason of his very office, he became a Guelph. He was now concerned with an attempt to settle the affairs of Florence and Tuscany and was likewise eager to quell the dissensions and restore peace in the states of the Church. In 1294, Florence, after having expelled the daring Giano della Bella who was of Ghibelline tendencies, called to its head John of Châtillon of the House of Burgundy. This prince arrived with five hundred Burgundian and German knights and in the name of Albert of Austria declared himself Imperial Vicar of Tuscany. Boniface intervened and Florence paid twenty thousand "florins" to John of Châtillon and sent him home. Likewise in Romagna, in Umbria, in the Marches, and in nearly all Italy the nobles were Ghibellines and tended to an oligarchy under the control of a strange emperor. Guy of Montefeltro and Ugoccione of Faggiola, among others, were tremendous opponents of the papacy. The Guelphs were more popular and more Italian. But Guelphs and Ghibellines exploited at will the weakness of the empire which was disputed from 1292-1298 by Adolph of Nassau and Albert, son of Rudolph of Hapsburg; furthermore, the movements of Sicily and the intrigues of Frederick II of Sicily, which we shall discuss later, contributed greatly to foment civil wars on the Italian continent. But what

[16] Cf. Tosti-Donnelly, *History of Boniface VIII and His Times*, pp. 104, ff.

was even more deplorable and more audacious than this, was the fact previously stated, that this Roman patriciate carried the passions of the nobility into the ranks of the ecclesiastical hierarchy, which, filled with egotism, was neither Guelph nor Ghibelline, but opposed the rights of the Holy See when the latter seemed to disregard its claims. Boniface saw that the discords of Rome and of Italy would shake the foundation of the political power of the papacy, hence he sought to strengthen it by establishing peace.

Towards the close of the thirteenth century, the Guelphs were divided in Florence into the two rival factions of the Bianchi or Whites and the Neri or Blacks. After Boniface had unsuccessfully attempted to reconcile the two leaders of these factions, viz the Cerchi and the Donati, he sent to Florence, Cardinal Matthew of Aquasparta for the purpose of reconciling the Blacks and the Whites; the legate failed in his attempt. The Blacks then invited the Pope to send them Charles of Valois, apparently for the interests of peace but in reality to destroy the Whites. The latter, wishing to give warning of the execution of such a project sent a deputation to Boniface; among the deputies was Dante. Unfortunately the Pope was prepossessed in favor of the Blacks and he leaned on Charles of Valois. This prince was invested with the title of "Peace-maker of Tuscany." Meanwhile a venerable citizen, Dino Campagni, "the father of Italian history," seeing that a divided city is exposed to tyranny, assembled the chiefs and the people and entreated them to make peace and defeat the designs of Charles of Valois; he asked them to pardon mutual offences committed amongst them and to swear a solid peace on the sacred fonts at which they had received holy Baptism. But his solicitous and salutary words were not obeyed and the city became the prey of pillage; sinful and shameful crimes were perpetrated by the Blacks and by Charles of Valois. Indeed the latter, a complete stranger to popular governments, inflamed factions instead of reconciling them; violence and perfidy seemed to be the chief means by which he hoped for success. Boniface was indignant at his conduct; he ordered him to Sicily and placed the city under interdict.

Then in order to consummate the ruin of the Whites, a Baron of Languedoc formed a conspiracy against the life of Charles. As

a result, more than six hundred citizens, among whom was Dante, were condemned to banishment; their houses were burned; their estates confiscated. Europe was moved with pity towards these exiled citizens; it execrated the stranger Charles and denounced Boniface. Nine times in his *Inferno* does Dante in his anger draw Boniface into the infernal regions "as a simoniac, a perjurer, a knave, and a usurper of the pontifical See." [17] But Boniface whose one desire was peace did not deserve these harsh invectives, for the Florentines themselves, who were the first to call upon Charles of Valois had by their execrable vengeance instigated tyranny. Dante later deeply deplored his judgment of Boniface when the assault of Anagni was perpetrated.

Sicily During the Reign of Boniface VIII.

Meanwhile, Boniface was seriously concerned with the rival claimants of Sicily. During the pontifical interregnum between Nicholas IV and Celestine V, Charles of Naples had succeeded in concluding with James, King of Aragon, a treaty analagous to that which he had previously concluded with Alphonsus and which was annulled by the death of that prince. By this new treaty, James promised to release the three sons of Charles II and made a formal engagement to surrender Sicily into the hands of the future Pope; the King of Naples on his part obligated himself to bring about the release of the House of Aragon from the censures which the Holy See had pronounced against it. This treaty was submitted to Boniface VIII who regarded it favorably. Furthermore, Charles of Valois, brother of Philip the Fair, who four years previously (February, 1291) had consented in exchange for Anjou and Maine to desist from his pretensions regarding Aragon, addressed to Boniface VIII his act of desistance. The Pope ratified the treaty and by a Bull, *Splendor glorie*, of June 21, 1295, signed by seventeen cardinals, he reinstated James in all his rights over the kingdom of Aragon.[18] In this Bull, he explained that he lent himself

[17] Cf. Audisio, Histoire Civile et Religieuse des Papes de Boniface VIII, *à Grégoire* XIII, pp. 15, ff., (tr. by Labis), Lille, Desclée et de Brouwer, 1885-1894.

[18] Cf. *Les Registres de Boniface VIII*, no. 184.

to this concession in consideration of the Holy Land, whose interests were compromised by the dissensions of the princes and also because he preferred mercy to justice. In compensation for Sicily, he gave to James the investiture of Corsica and Sardinia,[19] two islands whose sovereignty was claimed by the Roman Church.

Naples and Sicily being a fief of the Holy See, Boniface could not be blamed for maintaining the rights of his sovereignty there. He therefore asked Frederick who governed Sicily in the name of his brother, James, to abandon it but Frederick refused. The Sicilians indeed detested the French, hence Frederick was loathe to surrender his authority into the hands of a Frenchman, Charles of Naples. Boniface then sent his legate, Boniface Calamandrano, Grand-Master of the Knights of St. John, into Sicily in order to explain to the Sicilians that, by the terms of the recent treaty, Sicily was under the government of the Church and that he, as father of the family, must foresee the security of its inhabitants. The legate requested the Sicilians to choose from the cardinals the one whom they deemed most proper to govern them, assuring them at the same time, that Boniface was ready to satisfy their demands. Indeed it was an excellent idea, one worthy of a pontiff and an Italian prince, thus to alienate from Sicily both the Angevines and the Aragonese. The legate offered to trace for the Sicilians on a blank parchment ornamented with the pontifical seal the franchise which they desired and which would be granted to them. The Messenians, however, regarded those promises as a snare, and excited by Roger of Loria and others, their minds were already turned towards Frederick and one of their leaders, drawing a sword, said to the representative of the Holy See, "It is not with parchment but with the sword that the Sicilians purchase peace." Then he warned him under pain of death to leave the island at once. The legate, unable to obtain peace, fled from the country. Frederick was proclaimed king by the Sicilian barons January 13. 1296; he accepted the crown which was conferred upon him two months later in the Cathedral of Palermo (March 25, 1296). Even before this prince was crowned, Boniface had notified the Sicilians that if they persisted in this rebellion, he would use force to reduce

[19] Cf. Baronius-Raynaldi, *Annal eccles*, ad ann. 1295, no. 24.

them (March 18, 1296).[20] He annulled the election of Frederick, forbade him to take the title of king and threatened to proceed against him with spiritual and temporal penalties[21] (May 3, 1296). In order to assist Charles II to retake Sicily, he granted to him for a period of three years, the ecclesiastical tithes of all Italy, with the exception of Rome and the neighboring dioceses, and sent him a gift of five thousand ounces of gold.[22] He then conferred new favors on James, named him "Admiral of the Roman Church" (December 18, 1296), and requested him to show himself worthy of this title by presently combating the Sicilians.[23]

Shortly after the expulsion of the papal legate by the Sicilians, Roger of Loria conquered two islands on the African coast and after obtaining the investiture of them from the Pope, he gave up his resistance to papal claims in Sicily. Meanwhile, through the instrumentality of Boniface, a treaty was concluded between Charles of Naples and James of Aragon, by which James resolved to assist his ally, Charles, with a powerful fleet in order to reconquer Sicily.[24] Not content with the many favors already bestowed on the King of Aragon, the Pope conceded to him, in view of this enterprise, the tithes of Aragon for a period of six years; put his estates under the protection of the Holy See; and promised indulgences to all those who would take part in a war waged for the faith.[25] In August, 1298, James attacked the Sicilians but without any apparent result. Roger of Loria was then placed in command of the combined fleets of James and Charles against Frederick.

In the spring of 1299, James engaged in bloody battle near Cape Orlando (off the northern coast of Sicily) between the Aragonesian fleet united with that of the Neapolitans, and the Sicilian forces. In this fratricidal battle, Frederick was defeated and nearly ten thousand of his fleet perished.[26] If James had persevered in his

[20] Cf. *Les Registres de Boniface VIII*, no. 1575.

[21] Cf. Baronius-Raynaldi, *Annal. Eccles.* ad ann. 1296, nos. 13-15.

[22] Cf. *Les Registres de Boniface VIII*, vol. I, no. 497, no. 1573.

[23] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1297, nos. 19-24.

[24] Cf. *Les Registres de Boniface VIII*, no. 2188.

[25] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1299, no. 1; cf. 1297, nos. 18-25.

[26] Cf. Ibid., 1299, no. 3.

victory, he might have disembarked in Sicily and ended the war, and, according to the promises of the Holy See, this island would have been given to the House of Anjou. But James desisted from pursuing the course of his success against his brother; it may be that he was stricken with remorse or probably as some have claimed, there was a secret *entente* between the two brothers. At any rate he allowed Frederick to escape and regain Catalania, thus frustrating the hopes of Boniface; indeed the failure of James to profit by his victory led Charles and Boniface to view him with suspicion. Constance, the mother of James and Frederick, left Sicily and contemplated from Salerno with sad anxiety those waters which ran red with the blood of one of her sons.

In the year of the Jubilee (1300), Boniface took further measures regarding Sicily. After the battle of Cape Orlando, Charles of Naples wished to treat with Frederick, but Boniface forbade him to do so under pain of anathema and other chastisements even more grave[27] and he himself persisted, despite the desires of Charles, in beginning a new war against Frederick (January 19, 1300). Since James of Aragon was now viewed with suspicion by Boniface, the latter called upon Charles of Valois[28] who had just married Catherine of Courtenay, grand-daughter of Baldwin II, the last Latin Emperor of the East, to come to the aid of the Holy See against Frederick. In order to aid Charles in the Sicilian expedition, Boniface granted to him the tithes of the Churches of France, Italy, Corsica, and Sardinia.[29] Although Charles of Valois did not succeed in taking possession of Sicily, he arranged a treaty between Charles the Lame and Frederick by which he allowed the crown of Sicily to the latter during his life, but which would be returned at his death to the King of Naples and his descendants. Boniface who had so severely forbidden all agreement between Charles the Lame and Frederick confirmed the treaty and relieved the King of Sicily from all the censures which he had incurred.[30] Frederick was to marry Eleanor the younger daughter of Charles II (May 21, 1303). Boniface enjoined him, not only to make no alliance with the enemies of the Church but also, if the Church

[27] Cf. Ibid., 1300, Nos. 13-16.
[28] Cf. Ibid., Nos. 20, 21.
[29] Cf. Ibid., 1301, no. 15.
[30] Cf. Ibid., 1303, nos. 24-28.

exacted it, he was to combat her opponents with arms. Boniface who ratified this treaty on June 12, 1303, recognized Frederick as a vassal of the Holy See and obligated him to an annual tax of three thousand ounces of gold, thus were the affairs of Sicily temporarily brought to an issue.

Pope Boniface VIII and the Colonna.

In the preceding section, the attempts of Boniface to drive Frederick out of Sicily have been related. While he was engaged in these endeavors, the Colonna had become attached to the House of Aragon then at war with the Pope. They had done much to aid Frederick in seizing by surprise some strongholds in the vicinity of Rome [31] and they furthermore fomented intestinal strife in the Church. They were very powerful in and about Rome and had a numerous clientele of friends and vassals. Outside of Rome, they possessed such strongholds as Palestrina, Nepi, and Zagarolo.

However, the relations between Boniface and the Colonna were not always of a hostile character. When Celestine thought of abdicating, the Colonna from the outset maintained the legal possibility of an abdication. Whatever friction had existed between Cardinal Gaetani and the two Cardinals, James and Peter Colonna before the time of his election to the papacy, was now wisely overlooked by Boniface VIII, who realized the power of the Colonna. In the election of 1294, the two cardinals just mentioned gave their votes to Boniface and when, after his election, the latter journeyed from Anagni to Rome, the Colonna entertained him in their home in Zagarolo and assisted with pride at the solemn ceremony of his coronation. Boniface gratefully remembered this visit to Zagarolo,[32] "for such was their hospitality, that it seemed as if they were entertaining, not a Gaetani, but one of their own household."

Soon, however, grave dissensions arising between Boniface and

[31] Cf. Wiseman Cardinal, *Pope Boniface VIII, Essays on Various Subjects*, p. 200, London, 1853; cf. *Dublin Review*, 1841.

[32] Cf. Baronius-Raynaldi *Annal. Eccles.* ad ann. 1297, No. 37.

Et post electionem . . . in castro tunc ipsorum, quod Zagarolum dicitur, et quod per dictum Jacobum tunc temporis tenebatur . . . hospitati fuerimus confidenter.

some members of the Colonna family, destroyed this seeming concord; no Roman senator was elected from among them and their pride was wounded. But the real cause of the difficulties between Boniface and the Colonna may be traced to a family quarrel in which the former was called upon to arbitrate. One of the Colonna, Oddone III, had five sons, James, now a Cardinal, John, Oddone, Matthew, and Landulf who were in possession of wealthy lands among which was Palestrina. By mutual consent, they appointed Cardinal James as the administrator of their property. When the second son, John, died he left his estates to his six sons, Peter, a cardinal, Stephen, John, James called "Sciarra" or "Quarrelsome," Oddone, and Agapitus. It happened that James, Cardinal of the title of Saint Maria in Via Lata, now being administrator, exercised sole mastery over the inheritance and combining the interests of his nephews with his own, he robbed his brothers of their property and reduced them almost to indigence.[33] When this injustice came to the knowledge of Boniface, who was himself the embodiment of justice, he decreed that each one should receive a just share and some assignment over and above what was due, was to be made to the nephews, so as to dispose them to resign what they had usurped. Boniface made this decision in the presence of Cardinal James and his nephews, but they, instead of recognizing the justice of the Pope, would not surrender their plunder and enraged they left his presence. On May 2, 1297, Stephen (Colonna) a relative, stole a large sum of gold and silver from the treasure of Boniface as it was being brought from Anagni to Rome.[34] The Pope makes no mention of this act in the *Praeteritorum temporum*[35] where he tells of the evil deeds of the Colonna, thereby showing that he wished not to avenge private evils but the wrongs done to the Church. This silence on the part of Boniface may seem a denial of the act of Stephen but we quote

[33] Cf. Ibid., No. 29, *Considerantes fore indignum, ut quibus de una substantia competit aequa successio, alii abundanter affluant, alii paupertatis incommodis ingemiscant, quos tamen* (the cardinals) *rationibus, precibus sive minis nequivimus emollire.*

[34] Cf. Muratori, *Rer. Ital. SS.*, t. XI, cap. I, pp. 1218 ff.

[35] Cf. Baronius-Raynaldi, *Annal. Eccles.* ad ann. 1297, no. 27.

one of many authorities testifying to the perpetration of the vile act.[36]

Boniface endeavored by kindness and entreaty to pacify the enraged Colonna but all exhortations were vain. Then fearing the combined efforts of his enemies, viz the Colonna and the Ghibellines against his own security, he decided to put garrisons in some cities and castles of the former, thus demanding the custody of these castles. He asked the Cardinals, James and Peter, to throw open the gates of Palestrina and Zagarolo and to allow the soldiers of the Church to occupy these strongholds and keep out the enemies of the Church. The two Cardinals, James and Peter, pretended to accede to his wishes, but in reality, they refused the request of Boniface.

After mature deliberation, Boniface threatened to punish the Colonna for their refusal, but they, too, had resolved to take vengeance on him in the form of a libel, declaring the invalidity of Celestine's abdication and the consequent illegitimacy of his own election to the papacy and thus they prepared the way for a schism in the Church. Even now, in his forbearance, Boniface did not strike them, but on May 4, 1297, he sent John of Palestrina to Cardinal Peter to summon him on the evening of that day to declare in the presence of some cardinals, if he believed him to be the true Pope.[37] Peter refused to obey the summons and departed from Rome with his uncle James and some of his brothers, ready to execute the dreadful threats contained in the libel.

Boniface now determined to act. He held a consistory in which he disclosed the faults of the Colonna and denounced them. When the Colonna heard of this act of the Pope, they assembled on May 10, 1297, at Lunghezza, a house belonging to the Conti family, and drafted a Memorandum against Boniface. The two Celestine hermits, Deodato Rocci and James of Todi, were among those present. Some of the members of the Order of Franciscan Celestines or "Spirituals," which (Order) had been tolerated by Celes-

[36] Cf. Muratori, Rer. Ital. SS., t. III, p. 670. *Nam et ipse dicebat quod Stephanus de Columna suum thesaurum fuerat depraedatus. . . .*

[37] Cf. Dupuy, *Preuves du différend entre Boniface VIII et Philippe le Bel*, p. 33, "*Si Papa est.*"

tine but not by Boniface, took sides with the Colonna and joined their schismatic company. In this Memorandum, Cardinal James of the title of Saint Maria in Via Lata, and Peter, of the title of Saint Eustachius, extend their greetings to all the readers of this document; addressing it to Boniface and to the cardinals, and attempting to prove in thirteen points that the abdication of Celestine and the election of Pope Boniface were null and void. James of Todi was probably the one who cast the arguments in Aristotelian form, but the foundation of the arguments was the work of the two infuriated cardinals, James and Peter Colonna.

The Memorandum briefly contains these thirteen arguments:[38]

1. The papal dignity has been given by God; what a Superior Being has given cannot be taken away by an inferior.

2. No one can elevate another to a spiritual power which he does not possess.

3. The Pope can permit the bishops to resign their charges only in his capacity as a representative of Jesus Christ, thus the abdication of a superior dignity such as the papacy, depends in no way on persons inferior to the Pope.

4. The highest power accessible to any creature cannot be taken away by persons possessing an inferior power.

5. Neither the Pope nor any other person can take away the dignity of a bishop, with greater reason then, no one can take away the dignity of Pope.

6. The Pope is Pope by divine law and not by the law of any creature or of all creatures; thus he cannot be deprived of his charge by any creature.

7. In order to release from a vow, one must be superior to the one who has made the vow; the papacy is the most solemn of all vows; hence the Pope has made it to God Himself, thus God alone can release him from this vow.

8. No one can release one's self from one's vow.

9. The Pope cannot be dispensed from his duties by a superior authority, because God alone possesses this authority.

[38] Cf. Denifle, *Archiv. für Literatur und Kirchengeschichte*, 1889, t. V, pp. 509 ff.

10. According to Saint Paul, the priesthood of Christ is eternal.

11. The priesthood of the Vicar of Christ is the same; it lasts as long as life lasts.

12. The abdication of Celestine is invalid because it has been procured by means of imposture and artifice.

13. If this abdication were valid, the foregoing arguments annul the election of Boniface, consequently we entreat the convocation of a general council in order that the truth may be ascertained. If this assembly approve of the validity of the abdication and of the new election, we shall humbly submit; if otherwise, i. e., if the council reprove the abdication, it shall preside over a new canonical election of a legitimate Spouse for the Church.[39]

The Colonna had the Memorandum posted on the doors of several churches in Rome; they even deposited it on the altar of Saint Peter; this boldness was undoubtedly inspired by the assurance of the protection of France. The Colonna libel was indeed notorious in character, striking at the very soul of the Church itself; it was schismatical and diabolical. It preyed on weak minds, inspiring doubt and causing dissension; but on the other hand, it has been ably and energetically refuted by the most learned canonists, e. g., Peter of the Marches, and John Andrew of Bologna. The College of Cardinals was so angered at the libel that in 1297, sixteen of them compiled a protestation proving that Celestine's abdication and the election of Boniface were valid. They ably defended Boniface against the calumnies of the Colonna. Among the cardinals was Egidio Colonna who was called "Aegedius Romanus" or "Giles of Rome." He, a disciple of St. Thomas of Aquin, in a treatise entitled "De renunciatione papae," with great erudition refuted the charge that Boniface by artifice induced Celestine to abdicate. This topic was discussed when we treated of Boniface's relations with Celestine. We note here, however, that Celestine died in May, 1296, and at the time in which the Colonna issued their famous libel, Celestine had been dead almost one year; therefore, even if Boniface were a false Pope in consquence of the ille-

[39] Cf. Dupuy, *Actes et preuves*, pp. 33 ff; cf. Baronius-Raynaldi, Annal. *eccles.* ad ann. 1297, no. 34.

gitimacy of Celestine's resignation, then surely after Celestine's death, he was the lawful Pope by the consent of the cardinals.[40]

On May 10, 1297, the very day on which the Colonna issued their record and even before knowing of its existence, Boniface issued the Bull *In excelso throno,* denouncing the misdeeds of the Colonna, stripping them of their dignities and their benefices, and depriving the two Cardinals, James and Peter, of their titles. John and Oddone Colonna, nephews of Cardinal James, were with their descendants to the fourth generation stripped of all ecclesiastical dignity; and the two cardinals James and Peter were allowed ten days in which to present themselves before the Apostolic See and submit, otherwise their estates would be confiscated.[41]

On May 23, 1297, Boniface confirmed this Bull and issued another *Lapis abscissus* in which he exposed the conduct of the two Cardinals James and Peter who, at his election, had voted for him and now claimed that same election to be invalid. He stated that these two Cardinals were among the first to give him their votes; they had even participated in his consecration and coronation and had rendered to him their duties, had assisted at his Mass, had sat in his consistories and had countersigned his acts.[42] He also referred to the friendly reception given to him by them in Zagarolo. He then declared in a Bull of July 21, 1297, that the two Cardinals James and Peter together with John, Oddone, Agapitus, Stephen, and James (surnamed Sciarra) Colonna were forever despoiled of their churches and their patrimonies, personal or impersonal, and of their cities and castles. They were declared and pronounced disqualified for any dignities, lay as well as ecclesiastical; and any city which would receive them would be struck with interdict. An extract of this stern constitution he placed among the Decretals of the *Liber Sextus* as a perpetual reminder of the infamy of the Colonna.[43]. The two cardinals presented their defense in a new

[40] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times,* p. 197.

[41] Cf. Dupuy, *Actes et preuves,* pp. 29 ff; cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1297, nos. 32-33.

[42] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1297, no. 35.

[43] Cf. Boniface VIII, *Liber Sextus,* lib. V, tit. III, "*De Schismaticis,*" pp. 595 ff.

memorandum (now lost) and wrote to all the kings, princes, and Metropolitans of Christendom, depicting Boniface as a heretic, a schismatic, and a destroyer of the Church, and finally demanding the convocation of of a general council.

The Colonna had assembled all their forces in Palestrina and Boniface finding himself insecure in Rome, since he knew the fickleness of the Romans, decided to go to Orvieto. He enlisted soldiers and placed Landulf Colonna, a brother of Cardinal James and a man who was sincerely devoted to him in command. As previously noted, Boniface was not at variance with the entire Colonna family. Meanwhile Pandolph Savelli, a senator of Rome, fearing the horrors of civil war, sent messengers to the Colonna in Palestrina to induce them to humble themselves and submit to the pontiff. They issued promises which Boniface accepted but their apparent pledges proved to be but a ruse, for they welcomed to Palestrina Francis Crescenzi and Nicholas Pazzi, the envoys of Frederick of Sicily, who were the avowed enemies of Boniface and with whom they plotted against the states of the Church.

For this reason, Boniface published a stern letter dated November 18, 1297,[44] confirming his former punishments, but without effect. The Pope then on December 14, 1297, proclaimed a crusade against the Colonna as "contumacious schismatics and disturbers of the unity of the Church." He promised to all those who would participate in it the same spiritual favors as for an expedition to the Holy Land. Cardinal Matthew of Aquasparta encouraged the people to enter the crusade and to subdue the Colonna. In order to avert the odium which might fall upon the Sacred College, as a consequence of his denunciation of the Cardinals, James and Peter Colonna, Boniface published a constitution in which the most severe penalties were threatened on those who molested or laid violent hands on a cardinal; this constitution he later incorporated into the *Liber Sextus Decretalium*.[45] The people responded remarkably to the appeal of Boniface for a crusade. With the blessing of the pontiff, they set out and attacked and quickly subdued Nepi, one of the strongholds of the Colonna; soon other castles and

[44] Cf. *Les Registres de Boniface VIII, Lettres Curiales*, no. 2390.

[45] Cf. Boniface VIII, *Liber Sextus*, lib. V, tit. IX, "*De poenis*," cap. V, "*Felicis Recordationis*," p. 641.

towns surrendered to them. Palestrina alone remained unsubdued, being difficult of access and strongly fortified. Within it dwelt the Colonna princes and the two cardinals, James and Peter.

After a protracted siege by the papal soldiers, the Colonna came out of their stronghold and surrendered to a papal commission. Later the rebel leaders, clothed in mourning, went to ask forgiveness of Boniface. One of them, falling at his feet exclaimed in the words of the Prodigal: *Peccavi Pater in coelum et coram te, jam non sum dignus vocari filius tuus,* and another cried out: *Afflixisti nos propter scelera nostra;* Boniface received them kindly but only partially absolved them from their censures, for he wished to transmit to posterity the double memory of their rebellion and their defeat. Neither did his pardon extend to the rebellious Palestrina which had so obstinately held out against him. He ordered the Bishop of Orvieto to raze to the ground the ill-fated stronghold and when levelled, to pass the plough over it and in order to destroy all vegetation to sprinkle the furrows with salt, as formerly the Romans did over Carthage, so that no vestige should remain in remembrance of it, the Cathedral alone excepted. By a Bull of June 13, 1299, Boniface notified Christianity of this act of vengeance. "We have desired," said he, "that this rebel city shall no longer be inhabited. We have ordered it to be razed to the ground, wishing that the name of it and the appearance of it may no longer remain, and we have ordered the ruins to be sprinkled with salt as the Romans had sprinkled Carthage." [46] Thus perished Palestrina, the ancient Praeneste.

The property of the people was confiscated and the inhabitants were ordered by the Pope to take up their abode in another city which was under papal control. But the Colonna more irritated than subdued, soon revolted again and were again suppressed and excommunicated by Boniface. Their property was confiscated; much of it was bestowed on Landulph Colonna, the Orsini, and the relatives of the Pope. The Colonna cardinals and the more prominent members of the family took refuge in France and Sicily. James (Sciarra) was taken prisoner by the French pirates who placed him with the convict-rowers; after two years, Philip the

[46] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1299, nos. 6, 7.

Fair, learning of his misfortune, rescued him. In defiance of Boniface, Philip not only received the fugitive Colonna but heaped favors upon them; it was at the court of France that their anger against Boniface was again revived and burst into flames at the outrage of Anagni.

The severity of the Pope towards the Colonna and Palestrina was bitterly denounced by the Franciscan Celestines or "Spirituals." Among their members was Friar James of Todi, who has been styled "the mouthpiece of an ultra-spiritual and impossible Catholicism." Born of the noble family of Benedetto at Todi about 1228, he studied law probably at Bologna, becoming an expert in this science. In youth he was much engrossed in worldly affairs; he married a woman of noble race and of edifying life whose example greatly influenced him. Her sudden death in the midst of a festivity at Todi caused him to see the nothingness of the world and he resolved to become a Franciscan. His singular conduct brought upon him in ridicule the name of Jacopone or "silly James." In 1278, he entered the Order of Friars Minor as a lay-brother. Because of his extravagances, he was a mystery to his brethren in religion who questioned both his sanity and his sanctity. Although an extremist in the observance of poverty, he rushed headlong into the open schism which the Colonna had caused regarding Boniface and publicly espoused their cause, showing towards the Pope a marked enmity. For this reason he was imprisoned by Boniface in a fortress known today as Castel San Pietro near the town of Palestrina. After the Pope's death he was set at liberty and died December 25, 1306.

CHAPTER IV.

The First Stage of the Confict Between Pope Boniface VIII and Philip the Fair.

Before writing an account of the famous conflict between Boniface VIII and Philip the Fair, a few words stating the Catholic teaching regarding the relations between Church and State will not be out of place here. The Church and the State are both perfect societies, that is to say, each aiming at a common good in proportion to the need of mankind at large, and ultimate in a generic kind of life, and each juridically competent to provide all the necessary and sufficient means. "The State is ethically demonstrated to be such, and the Church has a like demonstration from the theology of Christian Revelation." [1]

All rights and duties come naturally from God through the Divine Law, either natural or positive.[2] Saint Paul says: "All authority comes from God." [3] The character of our natural rights and duties is determined by the purpose to which the Creator shaped the nature of man. Man has but one ultimate purpose, i. e., eternal happiness in the future life, but he has a two-fold proximate purpose; one to earn his title to happiness and the other to attain to a measure of temporal happiness consistent with the first proximate purpose.

The Church is a Divine Institution, the State a natural institution. The purpose of the existence of the Church is to help man to win eternal happiness. The State has for its end his temporal welfare; of the two, the first is more important and man must sacrifice his temporal welfare, if the salvation of his soul require it, for the salvation of his soul ranks above all earthly concerns. It is clear then, that the purpose of the Church is higher than that of the State, for the Kingdom of God is above the kingdom of this

[1] Cf. Macksey, Art. "State and Church," *The Catholic Encyclopaedia*, vol. XIV, p. 250.

[2] Cf. Ibid.

[3] Cf. *Epistle of St. Paul to the Romans*, Chap. XIII, v. 1.

world, hence in case of conflict, man's needs require that the guardian of the lower purpose should yield. In view of the higher end of the Church, God conceded to her the only authority that can exist in the case in point.

In jurisdiction, the Church has the right to govern her subjects and to do for them all things which will tend to promote their spiritual welfare. In subject matter of a purely spiritual character and remaining such, the Church has jurisdiction over her ecclesiastical subjects to the complete exclusion of the State, nor is there any dependence of a juridical nature upon the State for the exercise of her legitimate powers. Spiritual subject matter refers to acts relative to man's eternal happiness and extends to all persons and external objects involved in these acts. The juridical subject of the Church is every one who has been validly baptized and no one who has been the recipient of valid baptism can evade the legitimate subjection to the Church. Even excommunicated persons, though not members of the Church in matters of objective right and duty, are still her subjects. The Church, however, exercises her juridical power only over her subjects, since she cannot expect obedience from those separated from her. Over unbaptized persons she has no governing power, although she may endeavor to win them to salvation, as she is entitled to preach the gospel everywhere.

In matters of jurisdiction, the State controls its own subjects, and in all purely temporal matters, remaining such, the jurisdiction of the State over its subjects stands not only supreme, but alone, in so far as the Church is concerned. Thus in all things, which evidently belong to the State, as matters which are purely civil and political, the State is quite safe from the invasion of ecclesiastical power, provided these temporal matters do not become opposed to the Divine Law.[4] But for these limitations, the liberty of conscience, guaranteed to each Catholic citizen by modern constitutions [5] would be violated, a grave injustice would be done, and the well-being of the State itself would be endangered. The words of Saint Bernard addressed to the French King, Louis VII,

[4] Cf. Phillips, *Kirchenrecht*, vol. II, pp. 520 ff., Regensburg, 1855.
[5] Cf. St. Thomas, *Summae Theologiae*, 1, 2, q. 96, a. 2, Rome, 1888.

are still true: "When the rulers of the earth make no opposition to the Divine Law, then it is that they hold their kingdom and their rights entire and with full power." [6]

In cases of direct contradiction, where the possibility of the exercise of both powers exists, the jurisdiction of the Church prevails consistently with the superiority of the essential purpose previously indicated, as a higher court is always judge of its own jurisdictions against the lower. In purely temporal matters, remaining such, the Church cannot command the State nor the subjects of the State, even though these at the same time may be her own subjects. In spiritual and mixed matters, the Church has jurisdiction over her subjects, since man's destiny is eternal happiness, and all his capacities, even of a civil nature, must by no means pervert the end. The Church, because of the uselessness of her insistence, or to prevent greater evil, may waive this claim of the exercise of jurisdiction, but in point of principle it is hers.[7] The State, by reason of its temporal purpose, must necessarily act for the Church, whose purpose is the eternal felicity of its subjects, but there is no parallel argument wherein the State indirectly has jurisdiction over the Church.

The Catholic Church is universal, and consequently cannot be identified with any single State; her aim extends far beyond earthly existence; she knows that although she is distinct from the State, it is not God's will for her to be separated from it; she knows that she is a perfect society [8] (*societas perfecta*) with her own particular end and means and field of operations, and that she cannot subordinate to any earthly end her supernatural end. A perfect society is one which is neither part of another, nor from the nature of its end falling within the province of another.[9]

[6] Cf. Sancti Bernardi, *Opera Genuina*, Epist. 255, pp. 220-221, Paris, 1863.

[7] Cf. Macksey, Art. "State and Church," *The Catholic Encyclopedia*, vol. XIV, p. 253.

[8] Cf. *Syllabus of Pius IX*, prop. 19 from the Allocution *Singulari quadam* of Dec. 9, 1854; *Multis gravibusque* of Dec. 17, 1860; *Maxima quidem* of June 9, 1862; cf. Denziger, *Enchiridion Symbolorum et Definitionum*, p. 379, Lipsiae, 1900.

[9] Cf. St. Thomas, *Sum.* 1, 2, q. 90, a. 3.

In the mutual relations of Church and State, the Church must respect the rights of the State to govern its subjects in all purely temporal matters and if the subjects of the State are also subjects of the Church, she must hold the latter to the fulfillment of their consequent duties and obligations, but the Church can, as previously stated, determine the character of matters of jurisdiction. The State is bound to protect the Church in the exercise of her functions, for the reason that the State is bound to protect all the rights of its citizens, a religious right being inclusive in these. Since religious interests concern moral development, the State is bound to further the spiritual interests of the Church and thus safeguard the internal peace of the community. No State authority can claim to be absolutely boundless. The thirty-ninth proposition condemned in the Syllabus of Pope Pius IX [10] is then false, for it claims that the State is the origin and the source of all rights (God alone is this) and that the limits of the State are not circumscribed. The State has external physical limits in its geographical boundaries and external moral limits in the nature and aims of its existence. It is essential to the welfare of the State that this moral limitation of its power should be thus felt, else despotism ensues. The subjects can demand that the civil power respect their rights while they are bound in turn to respect the rights of the civil power, to be obedient to it, and subservient to it, so that it may be able to fulfill its mission which is both its duty and its right.[11] This mutual relation of rights and duties between sovereign and subject is what Saint Paul refers to in his

[10] Cf. Liberatore, *La Chiesa e lo Stato*, c. 1. pp. 1 ff., Napoli, 1871. The Proposition is: *Reipublicae status, ut pote omnium jurium origo et fons, jure quodum pollet nullis circumscripto limitibus.* It is quoted from the Allocution *Maxima* of June 9, 1862, where we read: *Omnia . . . legitimae cujusque proprietatis jura invadere, destruere contendunt, ac praeterea animo et cogitatione confingunt jus quoddam nullis circumscriptum limitibus, quo reipublicae statum pollere existimant, quem omnium jurium originem et fontem esse temere arbitrantur.* This is called the "Theory of Absolute Liberalism," quoted by Hergenröther, *The Catholic Church and the Christian State*, vol. I, pp. 20 ff., London, 1876.

[11] Cf. Rintel, *Der Protestantismus als Politische Princip*, Chap. I, p. 15, Breslau, 1853, quoted by Hergenröther, *The Catholic Church and the Christian State*, vol. I, pp. 20 ff.

Epistle to the Romans [12] and in his letter to the Ephesians [13] and which in German Law is called *treue* (loyalty). When the subject and the sovereign both fulfill their obligations then there is said to be *friede* (peace).

The power of the Church is also limited in such a way as to prevent her using it to the detriment of the State. The Church cannot abolish free will; "the whole power of the Church," says the Jesuit, M. Liberatore,[14] " is moral; she possesses the means of coercion only virtually, in so far as she has the right to demand them from the civil power which is subordinate to her." This fact precludes as almost absolutely impossible any abuse on her part for two reasons: she needs the civil power, the situation leads her to pay scrupulous regard to the high rights of the civil power and she rather surrenders to it what is hers, than takes from it what is not hers. Secondly, because the moral power with which the Church is formally endowed derives all its strength from the evidence of its justice. Hence the Church always takes her stand on just claims; and she could never think of making claims which could be proved to be unjust. "If in doubtful and disputed matters, the question is about a general rule, a matter of principle, to the Catholic mind it is quite plain that the Church, as teacher of truth and justice, cannot fall into error. If the question is about the application of a principle, the Church by her whole position is compelled to give full weight to the grounds adduced by the opposite party, and here in fact, she has always shown *salvis principiis* the most compliant disposition." [15] The case stands thus, where the State is founded on justice and desires to deal justly with every single citizen.

Though the Church has preëminence over the State, she by no means annihilates or destroys the civil power, as this superiority is exercised only when the civil power is no longer within its

[12] Cf. *Epistle to the Romans*, XIII, 1-8.

[13] Cf. *Epistle to the Ephesians*, VI, 1-9.

[14] Cf. Liberatore, *La Chiesa e lo Stato*, pp. 113 ff., quoted by Hergenröther, *The Catholic Church and the Christian State*, vol. I, pp. 21 ff.

[15] Cf. Card. Consalvi, Note of Aug. 10, 1819; Card. Antonelli, Note of Feb. 29, 1860, quoted by Hergenröther, *The Catholic Church and the Christian State*, vol. I, p. 22.

province and the character of the interests is mixed, not purely civil but religious. According to Saint Thomas, "Grace does not destroy nature and the supernatural order does not annul the natural order." [16] The Church needs the State and the State needs the Church; each one is essential to the other. In an important document to the princes of the German Empire, Innocent III cites from Holy Scripture various images to illustrate the position of the two powers, namely, the two cherubim over the Ark of the Covenant,[17] the two pillars in the porch of the Temple [18] the two lights in the firmament of heaven,[19] and the two swords.[20] The first, second, and fourth of these images may be applied to the coördination of Church and State.[21] The Church likewise possesses a right of self-defense, presuming that the State will not wilfully incite its subjects to revolt nor be guilty of any injustice towards her. If her just claims are disregarded, she may have recourse to arms to defend her issues and her vital interests.[22] Döllinger, on this subject, makes Bossuet's words his own: "When necessity calls for it the Pope can do everything—of course, with the reservation of observing God's laws." He designates the papal authority as one, truly sovereign, and free, "necessarily endowed according to its nature and constitution with an extraordinary power in extraordinary cases and needs, whereby it may make all merely human rights bow before it and appoint or allow exceptions to rule." [23] According to the exigencies of the time, the Pope, under the guidance of Divine Providence, has to augment or mitigate the strictness of ecclesiastical law and to devise new remedies for new maladies,[24] adopting special measures against the union

[16] Cf. Saint Thomas, *Sum.* 2, 2, q. 10, a. 10; cf. Suarez, *Omnia Opera*, I, III, c. VI, no. 9.

[17] Cf. *Exodus*, XXXVII, 7 ff.

[18] Cf. *Kings*, Book III, Chap. VII, v. 15.

[19] Cf. *Genesis*, I, 14 ff.

[20] Cf. *St. Luke*, XXII, 38.

[21] Cf. Hergenröther, *The Catholic Church and the Christian State*, vol. I, p. 15.

[22] Cf. Phillips, *Kirchenrecht*, vol. II, par. 100, pp. 525 ff.

[23] Cf. Döllinger, *Kirche und Kirchen*, p. 40, Munich, 1861.

[24] Cf. Letter of Wibald, Abbot of Stablo, to Eugenius III, Thatcher and MacNeil, *A Source Book of Mediaeval History*, p. 174, no. 94, New York, 1905.

of wickedness and power.[25] The doctrine that the Pope is to be compared to a free prince, active throughout the entire church, is implied by the nature and the essence of her primacy and is no merely mediaeval doctrine.[26]

To this discussion concerning principles and practise ought to be added a characterization of the two outstanding characters of the conflict: Boniface VIII and Philip the Fair. Boniface VIII, great-souled and unterrified, was equipped with excellent knowledge and a varied experience enabling him to cope with the tremendous difficulties of his reign. He was a lover of magnificence and money and openly given to nepotism, more feared than loved, proud, vivacious, and inflexible in matters of principle. In all the difficulties which he encountered, he counselled peace; he never punished without having offered pardon and he never refused this when it was asked. In the issue of his enterprises, however, he was exceedingly unfortunate.

France, at this time the first and most powerful nation of Europe, was governed by Philip IV, the grandson of the sainted Louis IX. He was surnamed "the Fair," because of the exterior grace of his person, but in temperament he was wholly unlike his saintly grandfather. Born in 1268, he was but seventeen years of age when he ascended the French throne, being immature and bereft of the advice of a mother. Irritable to excess and implacable in anger, he never forgot an injury and estimated the service of others as a duty. His undertakings frequently threw him into pecuniary embarrassments which rendered him unjust towards his people whose resources he exhausted. Under the preceding reigns, the abasement of the great vassals of the crown had given a decided preponderance to the royal authority. Conquered and mutilated, the aristocracy no longer offered resistance, and now seeing the barons on their knees before him; he became overpowered by the idea of his own supremacy, and this exaggeration goaded him on to tyranny; but besides being dazzled with the splendor and possession of his kingdom, he was dominated by a greed for gold.

[25] Cf. Saint Bernard, *De Consideratione*, Book IV, Chap. VII, p. 379.

[26] Cf. *Syllabus*, Prop. 34, Litt. Apost. *Ad apostolicae*, 22, augusti, 1851; cf. Denziger, *Enchiridion Symbolorum et Definitionum*, p. 380.

His political morality was weak but he had the dexterity to impute to his entourage those vexatious measures into which his politics drew him. Let us add that morality did not always direct his actions. When he desired to accomplish an end, he cared not whether he used means in accordance with honor and righteousness, provided that his ambition was attained. The strength of his will which was very great degenerated into an inflexible obstinacy which caused him to believe that even his errors should prevail. Though his contemporaries called him "The Fair" yet history might well give him the name of "Politician" for he was the first French monarch who cultivated the sad art of being efficient in evil.[27] Such was the prince who, in contention with Boniface, manifested a marked hostility to the Holy See. Tacitus[28] would have said of him: "He usurped all power in order to abuse it despotically." He was solely intent on erecting by all the means at his disposal a kingdom which would be free from all higher powers (Emperor and Pope), and would be founded solely on the power of the French nation.

It is scarcely surprising, therefore, that these two ambitious and autocratic natures clashed, the one to defend the Church, the other to defend the State, the one in the consciousness of representing God on earth, the other in the consciousness of being himself the representative of God in temporal things; indeed there was no lack of causes for the strife between the two. Since the chief aim of Boniface was to establish peace among Christian princes and then to turn their reunited forces against Islam, he regarded all those who disturbed this peace as sacrilegious for they caused the blood of the faithful to flow and retarded the advent of the domination of the Church by their impious quarrels; thus it was that he, in accordance with his aim, sought to terminate the war between France and England.

Edward I of England, son of Henry III, was fifty-six years old when Boniface assumed the pontificate. He had set about to sub-

[27] Cf. Christophe, *Histoire de la Papauté*, p. 93, Paris, 1853, quoted by Audisio, *Droit Public Le L'Église*, vol. II, pp. 225 ff.

[28] Cf. Tacitus, *Annales*, XI, 5. "*Cuncta legum et magistratum munia in se trahens princeps, materiam praedandi patefecerat.*" Translation by Ramsay, London, 1909.

jugate Scotland and Wales and his successes in war had excited the jealousy of Philip the Fair. Edward held Aquitaine in fief from France and he found the French yoke all too heavy. In private, these two princes began to dispute. For offences committed against Aquitaine, Philip summoned Edward to appear before him. Edward sought to make amends, but his compensations rejected, he proposed that Boniface should act as arbiter between them. In 1294, Philip promised that if Gascony were lent to him, he would return it in forty days; he failed to keep his promise and friendship between the two kings was really frustrated. Edward appealed to arms and allying himself with the Count of Flanders and with Adolph of Germany, he threatened France on the north and east;[29] Philip united with John Baliol of Scotland in order to march against Edward.

On February 18, 1295, Boniface sent to Philip the Fair and to Edward of England, two French cardinal-bishops, Simon of Palestrian and Bernard of Albano, with full power to nullify all the treaties and alliances which impeded the work of reconciliation;[30] but instead of settling the situation, they rather aggravated it. The Pope also sent letters and messengers to Adolph of Germany entreating him to peace. Meanwhile he wrote many messages to the King of England, the one from Velletri (May 28, 1295) was especially urgent.[31] In it he reminded Edward of the assistance he had rendered to the Holy Land in arresting for a time the fall of Ptolemaïs; and that his name was therefore dear to Christians and particularly to Rome. He addressed him thus: "Have you forgotten that formerly in the time of your youth, you were filled with zeal for the Holy Land?" He then begged him in the name of Christ to put an end to the war against France.

Boniface pronounced a truce between the warring nations for an entire year which was to expire on the Feast of John the Baptist[32] (June 24, 1296), and the rivals agreed to sign it, but when on August 5, 1295, the two legates were admitted before the

[29] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 391 ff., Paris, 1861.

[30] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann, 1295, no. 41.

[31] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1295, no. 43; cf. Drumann, *Geschichte Bonifacius VIII*, part 1, pp. 118 ff.

[32] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1295, nos. 45-46.

King of England in Westminster, the latter declared his inability to conclude peace without the coöperation of Adolph of Germany and he wished to hear no mention of a truce. Ten days later, out of profound respect for Rome, however, he declared his readiness to cease hostilities until the Feast of All Saints, if the King of France on his part would consent to it. The cardinal-legates returned to France undismayed and proposed the assembly of a Peace Congress in which the ambassadors of France, England, and Germany would participate, and to which the English and German sovereigns consented, but Philip the Fair dissented.[33] The war was continued then in 1295; King Edward sent a fleet to Guyenne to expel the French; Philip the Fair, by criminal perfidy took as a prisoner at Corbeil, Guy, Count of Flanders, vassal of the King of France and ally of the King of England. The following year, the Count of Flanders regained his liberty, after having formally renounced his alliance with England, and left as hostage his daughter, Philippina, as fiancée to the crown prince of that country.[34] At the same time, France concluded an alliance with John Baliol, King of Scotland and vassal of England; Edward declared war and dethroned him.

Clericis Laïcos and Ineffabilis.

In conducting the war, both Philip the Fair and Edward levied imposts on the clergy of their respective kingdoms. Philip was always in need of money and his jurists had taught him that the possessions of his subjects belonged to him. He desired to tax the possessions of the Church, but in accordance with the doctrine of the time, they belonged to the poor and could not be taxed. This does not mean, however, that the Church did not contribute to public expenses, for she bestowed voluntary gifts by assisting the king in time of need with one-tenth of her entire revenue.

When, therefore, in 1295, the clergy were asked by the belligerent kings to pay a new tithe, they protested and when the demands were repeated, they appealed to the Pope for protection against the

[33] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 357.
[34] Cf. Drumann, *Geschichte Bonifacius VIII*, part I, pp. 91 ff.

numerous extortions practiced by the royal officers.[35] He, as guardian of the privileges of the entire Church and protector of all her rights, was bound by the most sacred obligations to come to the rescue of the oppressed. Boniface, therefore, desirous of protecting the ecclesiastical states, in the presence of these grievances and after having taken counsel of the College of Cardinals promulgated on February 25, 1296, the famous Bull *Clericis laicos,*[36] in which he emphatically condemned the practice of levying extraordinary taxes upon churches for secular purposes.

Here is a resumé of the Bull.[37] "Past and present evidence proves that the laity may be the enemies of the clergy. The laity fail to consider that they have no power over the clergy and in general over the persons and the states of the Church. They impose on the prelates, the churches, and the clergy, secular as well as religious, heavy burdens and they extort from them twenty per cent of the entire portion of their properties and revenues belonging to the Church. They endeavor by every possible means to make them subservient to their power and domination, and unfortunately, fearing the civil power, many prelates and bishops of the church calmly bear these abuses. In order to put an end to the latter, in agreement with the cardinals, and by the apostolic authority, We pronounce excommunication on all the prelates, and in general on all the ecclesiastics, monks, or secular clergy who, without the consent of the Apostolic See, pay or allow to be paid to the laity, imposts, taxes, or any portion whatsoever of their revenues, or of those of their Churches, in virtue of grant or of loan or of gift or subsidy. Furthermore, the emperors, kings, princes, barons, dukes, and officers who impose such dues, who demand them and collect them, or take possession of the deposits of the Church, and finally those who agree to any action of this kind, all these fall *ipso facto* under the ban of excommunication. We strike with interdict all the communities consenting to do so,

[35] Cf. Kurth-Day, "The Church and Neo Caesarism" in *The Church at the Turning Points of History* pp, 112 ff., Helena, 1924.

[36] Cf. The Bull was later inserted in the *Liber Sextus Decretalium,* lib. III, tit. XXIII, *De immunitate cleric.,* cap. 3.

[37] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, p. 358; cf. Dupuy, *Preuves du différend,* p. 14.

and We forbid prelates and all other ecclesiastics under pain of deposition, to allow these imposts to be raised without the express consent of the Apostolic See; We forbid them to pay them under pretext that, previous to the publication of the present edict, it was allowable. In such cases, those who will pay and those who will receive, fall *ipso facto* under the bans of excommunication, and can be absolved, without special powers of the Apostolic See, only *in articulo mortis*. We are determined no longer to tolerate this special abuse practised by the civil power; even no royal privilege, such as the promise of never being excommunicated, can be placed as an obstacle to the execution of the present edict."

The Bull *Clericis laicos* was based on the ancient and ecclesiastical laws which were recognized even in France. The third Lateran Council (1179) (can. 19) decreed that the Church property should be burdened with heavy taxes only when the bishops or clergy recognize their necessity or advantage.[38] The Fourth Lateran Council (1215) decreed that the Pope be consulted even as to the voluntary contributions of the bishops and clergy;[39] the second Council of Lyons, 1274, directed that whoever, through being the founder or through custom, had any right of advocacy or any similar rights over churches, monasteries, and charitable foundations, was not permitted to abuse them or to claim any of the revenues except during the time of vacancy.[40]

The Bull *Clericis laicos* contains two fundamental principles, viz (1) as the laity have the right to determine the need and the amount of their subsidies to the crown, so the clergy have an equal right to do the same and (2) when there is a question of appropriation of the revenues of the Church for a secular purpose, the Pope should be consulted.[41] While the Bull *Clericis laicos* contained nothing that was really new, yet Boniface seemed to empha-

[38] Cf. *Decretales D. Gregorii Papae IX*, lib. III, tit. XLIX, *De eccles. immunitate*, cap. IV, *Non minus*, p. 1403.

[39] Mansi, *Sacrorum Conciliorum*, t. XXII, cap. *Adversus*, p. 1030.

[40] Cf. Hausman, *Geschichte der Päpstlichen Reservatfälle*, p. 194, quoted by Hergenröther, *The Catholic Church and the Christian State*, vol. II, p. 100.

[41] Cf. Loughlin, Art. "Clericis Laicos," *The Catholic Encyclopaedia*, vol. IV, p. 50.

size, so to speak, the side of the Bull which was seemingly offensive to the laity. That he gave manifest proof of his precipitation and lack of moderation is evident from the fact that, in a short time, he issued further Bulls, enfeebling and finally retracting the Bull *Clericis laïcos* by the Bull *Noveritis nos.* If he had drafted the former Bull in such a manner as to obviate any mitigation and retractation later, he would have spared the Church many affronts and injuries. Innocent III and Alexander IV had previously issued Bulls somewhat of the same type, but neither of these two Popes proceeded as far as Boniface VIII. In referring to gratuitous gifts, Innocent III recommended that the Pope be consulted regarding them, but Boniface in his Bull makes everything depend on the express permission of the Holy See, adding a further measure, that in the case of the refusal of this express permission by the Holy See, those who grant or those who lay imposts on the property of the Church, of whatever nature they may be, are threatened with severe penalties. Alexander IV in his Bull, forbade only the exaction of taxes and imposts from the clergy, he made no mention of the *dona gratuita,* while according to the text of the Bull *Clericis laicos,* Boniface does not discriminate between voluntary gifts and imposed taxes.[42]

It is especially regrettable that in the Bull *Clericis laicos,* Boniface did not distinguish between the property belonging to the Church and the fiefs placed in the hands of the ecclesiastics since he caused it to be understood that he wished to prevent the prelates from filling the rôle of vassals. A well-disposed reader of this Bull would understand that the Pope had in view only the properties belonging to the Church, in the strict sense of the word, and not the fiefs, but Boniface should not have expected to find well-disposed readers and he should have, by a very precise allowance, prevented this misinterpretation. Again, in principle, the States of the Church properly so called were, it is true, exempt from taxes but the clergy contributed from their revenues to the charges of the State whose protection and advantages they shared. As

[42] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, p. 361; cf. Boniface VIII, *Liber Sextus,* lib. III, tit. XXIII, "*De immunitate eccles.,*" cap. 1, "*Quia nonnulli de,*" pp. 536 ff.

previously stated, the eleventh Ecumenical Council (third Council of the Lateran 1179) (can. 19) had admitted the right of this participation, deploring, however, the abuses of the princes in exacting from the clergy excessive grants and subsidies. This council had declared that for the future, the properties of the Church could be taxed only if the bishops and clergy recognized or admitted the necessity of it.[43]

Finally, Boniface in his Bull rather imprudently speaks of the animosity of the laity towards the clergy, as if it were general rather than particular, thus he incriminates the laity of every period.[44] "Sad indeed, would it be for the Church, if this mortal enmity were a normal condition rather than an exception, but happily this supposition is contrary to historical truth. Even if we abstract the first centuries of the Christian Church, we may well say that the majority of the faithful have a real sympathy for the clergy. This general accusation of Boniface seems little in keeping with the dignity and prudence of the Holy See, and can only be explained as one of the caprices which reappear frequently in Boniface VIII who, it must be said, was lackng in moderation. His caprice is evident throughout in this Bull."[45] Indeed his vivacity fortified the opposition and diminished his authority from the very first day of his reign.

Boniface ordered his legates to publish the Bull *Clericis laicos* immediately in France and England,[46] and it was precisely in these two kingdoms that the resistance was strong. Neither Edward nor Philip obeyed it. In order to carry on the war against Scotland, Edward decreed (November 23, 1296) extraordinary imposts; the nobility consented to pay one-twelfth of their income, the commons one-eighth, but the clergy, of whom one-tenth was demanded, took refuge behind the Bull *Clericis laicos* which forbade them to consent to such enormous imposts. The king awaited their consent but they remained firm in their refusal, maintaining that they were forbidden to consent to such subsidies without the express

[43] Cf. *Corpus juris can. Decret. Greg. IX*, (Friedburg II), tit. XLIX, "*De immunitate eccles.*," cap 4, pp. 654 ff., Leipzig, 1879.

[44] Cf. Dupuy, *Preuves du différend*, p. 14.

[45] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 359.

[46] Cf. Baronius-Raynaldi, *Annal. eccles*, ad ann. 1296, no. 22.

permission of the Pope. They furthermore decreed that every bishop ought to publish a sentence of major excommunication against all those who attack the goods of the Church or who exact anything by force from the churches and ecclesiastical edifices.[47] The king, enraged, considered all who maintained such views as outlaws and ordered that they should be despoiled of their lay fiefs.

Some bishops, lacking the courage to enforce the sentence mentioned, sought to come to terms with the king and convoked a synod at London, March 26, 1297, but the assembly dispersed without apparent results.[48] The prelates who refused to pay the imposts had their goods confiscated. Edward considered himself a conqueror but unexpected complications soon humbled him. The English army met with reverses in Gascony; the French had invaded Flanders which was allied with England, hence he in distress turned to the clergy and restored their confiscated property promising that he would take nothing from any person without the consent of the Order to which he belonged. The Archbishop of Canterbury in a synod convoked August 10, 1297, at London, assured the king that the clergy could not furnish subsidies without the permission of the Pope but that the latter would lend aid, if the king and the prelates explained the circumstances to him. A revolt in Scotland soon rendered the king still more conciliatory and he promised that he would not levy any further imposts without the consent of the clergy, the lords, and the commons.

The Bull *Clericis laicos* did not regard Philip any more than Edward of England but it was in France that the Bull met with the most ardent opposition; it was the spark which enkindled the flame between Boniface and Philip the Fair since it closed to the latter a mine of gold. Philip the Fair more than any other prince, oppressed the clergy and the laity by his heavy taxation and his frequent circulation of false coinage. He carried to extremes "the radical and unheard-of principle, that the material and the temporal belong without reserve to the State." Philip and his evil

[47] Cf. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, t. XXIV, col. 1173; cf. Harduini, *Acta Conciliorum et Epistolae Decretales ac Constitutiones Summorum Pontificum*, t. VII, col. 1197, Paris, 1714.

[48] Cf. Mansi, *Concil, ampliss*, coll., t. XXIV, col. 1171; Cf. Harduini, *Concil*, coll., t. VII col. 1195.

advisers beheld papal tyranny behind this Bull and concluded that the "ambitious" Pope wanted to obtain the royal crown; Philip himself saw in the Bull an attack upon the rights of the crown and like Louis XIV he regarded these rights as absolute. If Louis XIV has said: *L'état, c'est moi,* so Philip used a like expression: "By the plenitude of our royal power" which formula he put into practice. It was in a very dexterous manner, however, that he opposed the claims of the Pope; he soon found a means of attacking him in a sensitive part, guarding all the while the appearances of conciliation and of an ardent zeal for the interests of his country.[49]

Philip, thereupon, wrote a constitution about ecclesiastical immunities and it is fitting to note that at the very time in which he was plotting to injure Boniface by his edict, the latter was endeavoring to advance the interests of the king. For on the very day, August 18, 1296, on which Philip published his constitution, Boniface had written to him, entreating him to send to Rome, Charles of Valois, his brother, that he might confer with him regarding important and secret affairs; probably he intended that Charles, as Roman Emperor, should lead the expedition for the relief of the Holy Land. The Constitution of August 18, 1296, issued by Philip the Fair, forbade under severe penalties the exportation from France of specie money or gold, precious stones, food, horses, and arms. Equally under prohibition were negotiable exportations from France to strangers, in order that the enemy could not enrich himself at the expense of the kingdom. One can see where Philip was aiming; he wished to strike Rome and cut off the revenues which Boniface intended to use, like his predecessors, in behalf of the Holy Land. It was the papal revenue, therefore, which Philip wished to exhaust. Another ordinance of Philip forbade all strangers to sojourn in France.[50] By this means, the king attacked the legates of the Pope, his nuncios, and collectors, and all the Italians to whom he had granted benefices in France.

Boniface, greatly perturbed by these enactments, replied to these insolent edicts of Philip by the Bull *Ineffabilis* of September 25,

[49] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 364 ff.
[50] Cf. Dupuy, *Preuves du différend*, pp. 13, 15.

1296, which the Bishop of Viviers presented to the king. In this Bull the Pope expressed himself thus:—"Immunity is one of the many gifts which God has bestowed upon the Church; she has over the people the power of a mother over her children and they owe her the filial respect due to a mother and to a queen. Who would not blush to bleed or wound her? What shield will protect the one who attacks the liberty of the Church in order to forestall the hammer of divine strength ready to reduce him to dust and ashes? Think, my son, of your salvation, listen to the voice of your father. It is in your interest the We advise you to reflect. We have learned, that deceived by perfidious counsellors—this is what We believe—you have published a constitution which, without saying it openly, at least in the mind of your counsellors, please God, that it may not be in yours, would annihilate the freedom of the Church, a constitution inglorious and perilous to yourself, oppressive for your subjects and for those who, up to the present time, reside in France. In the same manner, as a father takes resolutions regarding his children, as a good pastor leads back his stray sheep, as a devoted friend gives a salutary counsel, in the same manner as the head of the tribunal of the Church militant keeps off from his subjects or clients, not only all sin, but even the appearance of sin, so We wish, (since, despite Our unworthiness, We hold the place of the first Pastor, Jesus Christ, and We bear you a sincere love), to zealously fulfill in your regard Our office of father, of pastor, and of friend. The soul of a great prince should not have followed the advice of the wicked. It was neither just nor useful to forbid strangers (by an unheard-of innovation), to sojourn in the kingdom or to trade there; this causes still greater disadvantage not only to strangers but likewise to subjects. Your subjects are overwhelmed with so many burdens, that their love for you begins to grow chill. By a lawful practice which has sometimes been abused, lay princes have at times forbidden the exportation of divers objects from their own country into that of the enemy, but an ordinance as general as yours, attacks not only your own subjects but all strangers. If then, this ordinance is intended to include Us as well as Our brothers, the prelates, persons belonging to the Church and the Churches themselves, if it is intended to attack Our revenues and theirs, it is not only unwise, it is folly to extend

rash hands over things which belong neither to your province nor to that of temporal princes. You would have incurred by that, excommunication which your pious ancestors have avoided, and which, you, yourself, should avoid especially at the moment, in which We display great zeal in order to protect your honor and that of your kingdom and in order to preserve it from danger. Truly, you are hardly grateful to Us and to the Church for the many benefits bestowed on you and your ancestors. You return evil for good, bitterness for sweetness; consider these Roman, English, and Spanish kingdoms which surround you, and you will acknowledge that this is an ill-chosen moment to injure the Church. Reflect well, that the loss of Our favor and Our concurrence would enfeeble you even to powerlessness. How much are you doing gainst Us and against the Church, although it is at the moment in which We are concerning ourselves with the canonization of your grandfather, Louis IX? In case the Bull *Clericis laïcos* might have provoked your ordinance, this reply is very unfortunate, because the Bull simply confirms the canonical prescriptions to which We have indeed only added penalties against the transgressors. We have not forbidden the prelates and the clergy to furnish any subsidy for your defense or for that of your kingdom. We have prescribed that it can be done only with Our permission, knowing that your people overcharge Church imposts and We fear the return of these abuses in the future. In reality, you have no right to these enormous tithes, and the Divine right like the human right will reproach you and all others with this abuse of power. If your kingdom, which may God forbid, should come to a great extremity of need, the Apostolic See would not be satisfied with granting the aid of the prelates and of the people of the Church; it would not be satisfied with prescribing the collections; it would go so far as to sacrifice the chalices, the crosses, and the sacred vessels rather than allow this magnificent kingdom, so dear, yes, the dearest to the Apostolic See, to sustain any injury. And now reflect, my well-beloved son, that several kings are your enemies and those of your kingdom. Does not the King of the Romans complain to see in your possession certain cities and countries belonging to the Empire, in particular, the country of Burgundy? The King of England likewise contends for certain parts of Gas-

cony. These kings will submit to a sentence of arbitration; they beseech it. Can the Apostolic See refuse it to them? What would happen, if, God forbid, you offended the Apostolic See and furnished arms to her enemies? We and Our brethren are ready to suffer for the liberty of the Church, not only persecutions, ruin, and exile but even death. It seems that certain ones have said, that after Our pontificate expires, the bishops and clergy, as the possessors of fiefs, would be dispensed from services and tithes due to Us, and that in particular, they would no longer give you horses. This is a captious interpretation of Our Bull, as We have already said emphatically to your associates." [51]

In the Bull *Ineffabilis* Boniface VIII, while maintaining on the whole the principles of the Bull *Clericis laïcos,* had modified it especially in what touched the history of the vassals. This Bull lacked serenity. Boniface had sought to intimidate the king, reminding him that he was surrounded by his enemies and was little loved by his subjects, disregarding entirely the impression that his Bull would give. He emphasized his observations in a second document *Excidat nos* (September 30, 1296). Philip issued in reply the haughty edict *Antequam* in which he expressed himself thus:—"Before there were any clergy, the King of France had the care of his kingdom and could take measures which he judged necessary in order to preserve himself from his enemies. It is only legitimate to ask subsidies from men who because of their condition cannot protect themselves, in order to give them the security which they await. It is true that the Popes have granted immunities to the clergy but their immunities must not become hindrances to the security of the kingdom. Holy Mother the Church, the Spouse of Christ, is not composed of the clergy alone; the laity also form a part of her; it was not for the clergy alone that Christ arose from the dead. The clergy, like the laity, form a part of the State, and whoever refuses to aid the latter is a useless member. Is it just to forbid the clergy under pain of anathema, to aid princes with their money when these princes have enriched the State with their gifts, and is it not astonishing that the Vicar of Christ forbids ecclesiastics to aid

[51] Cf. Hefele-Leclercq, *Histoire des Conciles,* vol. VI, pp. 369 ff.

the kingdom and allows them nevertheless to dissipate their revenues in luxurious dress, in journeys, and in banquets to the detriment of the poor and to the injury of religion? The king reveres the Church and her ministers but he has nothing to fear from the unjust and unreasonable threats of men." [52]

It is probable that this haughty ordinance of the king was never sent to Rome; [53] for Philip, subordinated his audacity to his prudence, and awaited a more certain manner of maintaining his edicts by means of a measure, by which the bishops entreated Boniface to retract the Bull *Clericis laïcos*; this request was undoubtedly made later at the instigation of the king. On February 7, 1297, Boniface wrote to Philip the Fair the letter *Exiit* in which he said: "You have published an edict forbidding the exportation of money, etc. If it be a question of taking precaution against your enemies, We have nothing to say, but the trend of your edict is reprehensible if you allow it to be applied to the Orders and the people of the Church, with regard to whom you have no right to bear similar claims, I say it sadly that you should have incurred excommunication." He then continues: "Give to the Church then, oh my dearest son, the respect which you owe to her, either correct your errors in these matters or keep silence on this affair, rendered deplorable by your deeds, or it may be by those of your people. If you do not put any obstacle in the way of piety, the Church will willingly aid you with her subsidies." [54]

Philip, however, wanted to prove to the Pope that many of the clergy of France were on the side of the king and the occasion for proving it soon arose. As noted before, the Count of Flanders had been imprisoned by Philip, who on obtaining his freedom allied himself with Edward of England, the latter combined with Adolph, King of Germany, and together they formed a coalition against France. Peter Barbet, the Archbishop of Rheims, together with his suffragans and with the consent of the king, addressed himself to the Pope telling him of the disastrous impression made by the Bull *Clericis laïcos,* just at the time when the court of France was sum-

[52] Cf. Dupuy, *Preuves du différend,* pp. 21 ff; cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther,* vol. II, p. 272.

[53] Cf. Boutaric, *La France sous Philippe le Bel,* p. 97.

[54] Cf. Dupuy, *Preuves du différend,* pp. 24 ff.

moning all its subjects, without distinction, to defend the kingdom against the above-mentioned coalition, and they advised Boniface, therefore, to make a retractation of this Bull.[55] The result of this procedure was that the pontiff was obliged to make concessions regarding the Bull, and concessions are generally dangerous things, but in view of the difficulties of the times, they were doubly perilous for Boniface.

On February 7, 1297, Boniface also issued the letter: *Romana mater ecclesia* in which he addressed Philip thus: "You complain that Our Bull *Clericis laïcos* has removed the subsidies of the clergy from the war which you are about to wage against Flanders. As every author has a right to explain himself, We shall say this, more for your tranquillity and that of your successors. If a prelate or clergyman of your kingdom wishes freely or without pressure to make a present or a loan, Our Bull does not oppose him in any way in it, not even in the case when a courteous and friendly invitation to make such gifts would have taken place, on your part, or on the part of your people. Needless to say, Our Bull has not in view the tithes to which the bishops are held for the secular fiefs or regal estates which they possess. Still less does the Bull comprise the clergy living in concubinage, and those who, in order to avoid taxes, make appearances of entering the clergy, finally we except also the cases of necessity in which the *periculum in mora* does not allow time to consult the Holy See.[56] A few days later Boniface issued the Bull *Coram illo fatemur,* February 28, 1297, in which, moved by the dangers which threatened France, he declared himself ready to offer, for the conservation of the king and the kingdom, the goods of the Roman Church and of his own person. Philip, on his part, withdrew his edicts. Boniface then, retracing his steps further, issued the Bull *Noveritis nos* (July 31, 1297), which was a formal and unconditional refutation of the Bull *Clericis laïcos.* It stated that he recognized not only in Philip, but in a general manner, in any King of France, if he were of age, or in his council, if he were a minor, the right to tax the clergy,

[55] Cf. Dupuy, *Preuves du différend,* pp. 26 ff; Baillet, *Histoire des Démêlez du Pape Boniface VIII avec Philippe le Bel,* p. 34, Paris, 1717.

[56] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1297, no. 49; cf. Potthast, Reg. II, no. 24468.

in case of necessity without the consent of the Holy See.[57] He went still further by granting to Philip one-half of the money destined for the expedition to the Holy Land,[58] and gave to him also the revenue of all the vacant benefices for the period of one year. Then he solemnly promised on August 14, 1297, the canonization of Louis IX, the grand-father of the king. It would seem that harmony between France and Rome was once more restored, but this was only a temporary reconciliation which had taken place between Boniface VIII and Philip the Fair, as they were separated by fundamental principles. The Pope, as Head of the Church militant, desired to maintain his rights as such, the king, as temporal sovereign, resolved to exercise his civil power independently of all spiritual power, desiring freedom from ecclesiastical control. No lasting truce could then bridge this chasm of differentiating principles, hence a renewal of the conflict must inevitably follow.

Shortly after Boniface had issued the Bull *Clericis laïcos,* he had asked his legates, the Cardinal-bishops of Albano and Palestrina (April 13, 1296) to intervene between Philip the Fair and Edward of England and to constrain them under pain of excommunication to observe a truce, the duration of which, he himself determined for a period of two years, i. e., until the Feast of St. John the Baptist, 1298,[59] but he enjoined the legates to promulgate the truce, only in case the warring kings did not take the initiative. However, the disturbances which were occasioned by the appearance of the Bull *Clericis laïcos* had prevented the legates from fulfilling their mission, as they did not dare to present themselves before Philip until these troubles were mitigated. The monarch who was at the time preparing to attack Flanders would not consent to hear the reading of the pontifical letters regarding peace until he had made his reservations regarding their contents.

Philip the Fair, having defeated the Flemish and taken possession of Bruges and Lille, had now signed at Tournay, upon the solicitation of Edward and the Count of Flanders, a truce of two

[57] Cf. Dupuy, *Preuves du Différend.* pp. 39 ff; cf. Boutaric, *La France sous Philippe le Bel,* pp. 97 ff.

[58] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1297, nos. 58, 59.

[59] Cf. Ibid., 1296, nos. 18, 19.

years.[60] However, having been urged by Boniface to conclude a definitive peace, he consented to take him as arbiter in his dispute with Edward of England, and the two kings sent ambassadors to Rome. Philip demanded, however, that Boniface fulfill the office of mediator, not in his official capacity as a recognized authority, but as a private individual (*comme homme privé*), i. e., as "Benedict Gaetani."[61]

Boniface acceded to the desires of Philip and took the insult offered by him in a truly Christian manner, he accepted the humiliating conditions imposed, and consented to give his judgment as "Benedict Gaetani." The Pope, on the one hand, was willing to make these concessions regarding his dignity in order to safeguard peace; the king, on the other hand, desiring unlimited power, was willing to disregard the general welfare.[62] Therefore, on June 27, 1298, Boniface rendered, in a manner worthy of a pontifical pacificator, an arbitral decision which manifested the "purest equity" and which he previously submitted for the acceptation of the ambassadors. He stipulated that each one of the belligerents should surrender his conquests provisionally and before the expiration of the truce, and both should agree to a definitive peace. Still, by a new requirement of Philip, no reservation in favor of the Count of Flanders was inserted in the sentence which concerned only France and England.[63] The pontiff must, furthermore, promise by a particular letter addressed to Philip that he would add nothing to these first conditions without the written consent of the monarch (July 3, 1298).[64] Although the judgment of Boniface in his arbitral decision seemed just, yet Philip was still dissatisfied, claiming that it was partial to England, but if any partiality existed at all it was at the expense of England. Boniface

[60] Cf. Boutaric, *La France sous Philippe le Bel*, p. 396.

[61] Cf. Dupuy, *Preuves du différend*, p. 41.

[62] Cf. Kurth-Day, "The Church and Neo-Caesarism" in *The Church at the Turning Points of History*, pp. 109 ff.

[63] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 99 ff.

[64] Cf. Dupuy, *Preuves du différend*, p. 41. In October, 1300, Boniface prolonged the truce for a second period of two years. Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1300, no. 26. A definitive treaty which stipulated the restitution of Guyenne was concluded between the two kings at Paris, May 20, 1303.

merely stipulated that each party replace what it had taken and that things be restored to the state in which they were before the war.

About this time, Germany like France, gave proof to the Holy See of a hostile spirit. Adolph of Nassau had been elected to the Empire without the participation of the Holy See, and Boniface reproached this sovereign for not having notified (according to custom) the head of the Church by a solemn embassy of his elevation to the crown (May 23, 1295).[65] Boniface, however, recognized him as King of the Romans. At the beginning of the hostilities between France and England, Adolph had allied himself with Edward against Philip; this fact angered some of the princes who had elected him. Soon a party favorable to Philip was organized in Germany with the intention of deposing Adolph and of electing in his stead, Albert, Duke of Austria, the son of Rudolph of Hapsburg. When the deputies of Adolph informed Boniface of these intrigues, he was offended that the conspirators would wish to depose a sovereign whom he had recognized. "Let your master come to Rome," he said to the deputies, "and I shall crown him." But the rebel princes persevered in their project and at the Diet of Mayence, June 23, 1298, after having deposed Adolph, they proclaimed Albert in his stead.

On July 2, 1298, the two rival sovereigns took up arms against each other and met near Worms; Adolph was killed and his competitor, Albert, Duke of Austria, was proclaimed King of the Romans and crowned at Aix-la-Chapelle August 9, 1298. He sent messengers to Boniface informing him of his election; but the Pope indignant, declared the election of Albert null and void, and refused to recognize a murderer and a rebel as king. Albert, however, remained obstinate, and in April, 1301, Boniface addressed a letter to the prince-electors of Germany stating that if within six months Albert, who unduly qualified himself as King of the Romans, did not send deputies to Rome to give an account of his conduct, he would release from obedience, all those who had pledged allegiance to him and proceed against him and his accom-

[65] Cf. Baronius-Raynaldi, *Annal. eccles*, ad ann. 1295, no. 45.

plices by spiritual and temporal penalties.[66] Albert, therefore, sent ambassadors to Boniface to assure him of his reverence, and alleged that he had acted against Adolph in self-defense; he asked the Pope for mercy and declared his respect for the Roman Church, whereupon Boniface granted pardon to Albert upon the fulfillment of certain conditions. On April 30, 1303, Boniface published the Bull *Aeterni patris,* by which he recognized Albert as King of the Romans and future emperor and asked him to be faithful to the Church. In a letter of July 17, 1303, Albert hastened to make all the promises and concessions which the Pope desired and pledged his aid to combat the enemies of the Church especially Philip the Fair.[67]

[66] Cf. Ibid., 1301, no. 2.
[67] Cf. Ibid., 1303, nos. 2-13.

CHAPTER V.

The Second Stage of the Conflict.

Bernard de Saisset.

Philip the Fair continued his numerous exactions from the Church and the clergy. He abused the right of regalia; this privilege stood for the royal rights (1) to appropriate the revenues of vacant bishopries and (2) to appoint to certain ecclestiastical positions when vacant.[1] It existed in some but not in all the provinces of France, e. g., during the reign of Philip the Fair, Languedoc was exempt from it.[2] The estate in regalia was administered as a royal domain and the hand of the king was only lifted from it when the election of the prelate in charge of it received ecclesiastical approbation.

But Philip the Fair was not even content with the revenues issuing from the right of regalia, hence he added to this right the *sauvegarde royale* which he extended to some churches outside the royal domain under the pretext of protection; in this manner, he could put his hand on all the vacant prelacies. He also abused the privileges of an indult of Boniface, allowing him during the time of war, to collect the fruits of the first year *fructus primi anni* of all provostships, deaconries and other prebends. Boniface in turn complained of the exactions to which this custom had given place and strongly inveighed against the abuses with which the king exercised the right of regalia in Laon and Rheims[3] There was yet another difficulty regarding the city of Lyons. During the eleventh century, Lyons belonged to the Empire of Germany, and the Archbishop, in capacity of Imperial Vicar, exercised the civil power there, but the Count of Lyons and the Lyonnais peasants addressed themselves repeatedly to the King of France when

[1] Cf. Weber, *The Christian Era*, vol. II, p. 170.

[2] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 66 ff.

[3] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 394 ff.

the archiepiscopal ordinances displeased them.[4] This delicate and difficult situation of the civil and ecclesiastical affairs of Lyons remained pending for a considerable period and again came into prominence during the conflict between Boniface and Philip, serving to embitter and envenom the existing contention between the two sovereigns.

Presently another quarrel burst forth between the pontiff and the king, and, though restrained in the beginning, it rapidly developed and ended later in a catastrophe. Shortly after his election, Boniface had raised the Abbey of Cannons-regular in Pamiers to a bishopric and had given the charge of the new diocese to Bernard de Saisset, whom Philip greatly disliked (July, 1295).[5] Previous to this event, Bernard had been charged by the Holy See with a diplomatic mission in Aragon and he had then been in personal relations with Benedict Gaetani. It has been claimed, but without proof, that Bernard had received in 1300-1301, an order from the Court of Rome to deliver the Count of Flanders (then a prisoner in France), and that on this occasion he publicly maintained the doctrine of the pontifical supremacy; this aroused the anger of Philip and the series of hostilities against Bernard and Boniface, but doubtless, it was for other reasons that the hand of Philip fell heavily on Bernard.[6]

In 1301, Boniface sent Bernard to Philip for this threefold purpose: (1) in order to urge him to an expedition to the Holy Land, (2) to prohibit the use of clerical subsidies for any other purpose than the redemption of the Holy Sepulchre, (3) to protest against many violations of ecclesiastical immunities on the part of Philip. It must be noted here that de Saisset, a native of Languedoc, did not like the French and he did not conceal the fact; he was on very bad terms with his neighbors, the Bishop of Toulouse, at the expense of whom the bishopric of Pamiers had been created, and with the Count of Foix with whom he had serious difficulties. Besides being a victim of local hatred, therefore, he was denounced at Paris for having been guilty of discourses against the honor of

[4] Cf. Drumann, *Geschichte Bonifacius VIII*, part I, pp. 226-229.

[5] Cf. Hefele-Leclercq, *Histoire des Conciles*, vol. VI, pp. 396 ff.

[6] Cf. Langlois-Lavisse, *Histoire de France*, "L'Affaire de Bernard de Saisset," t. III, part II, p. 142, Paris, 1901.

the king and for having concocted a conspiracy to depose Philip.[7] Boniface might have chosen a legate more acceptable to the king than de Saisset, whom Philip personally disliked on account of his quarrel with the neighbors, and on account of his supposed desire to restore the province of Languedoc. His presence had but added to the antipathy of the king, who was anxious and eager to rid himself of the legate and consequently paid little or no attention to his demands as an emissary of the Pope. Owing to the aversion of the king, Bernard deemed it both prudent and practical to abandon his embassy and return home. In the summer of 1301, the king, wishing to take vengeance on the legate, gave vent to his ill-feeling and appointed two counsellors, Richard Leneveu, archdeacon of Auge in the Church of Lisieux, and John of Picquini, vidâme of Amiens to secretly watch the conduct of the bishop whom he regarded with suspicion. In a report advanced by these commissioners, Bernard was accused of having predicted the approaching ruin of the dynasty and of the kingdom, and of having said, among other things, that the king was a degenerate and that he debased the coinage of the realm.[8]

On the night of July 12, 1301, the vidâme of Amiens, accompanied by the enemies of Bernard, attacked and entered the episcopal palace of Pamiers, removed the bishop and after having searched him, seized his coffers, and the most secret letters written to him by the Pope and the cardinals, and summoned him to appear before the king. The temporality of the bishopric was placed in the hands of the king. "Everything," said Bernard, in the recital of his griefs, "has been done by the vidâme of Amiens at the instigation of my enemy, the Bishop of Toulouse (Pièrre de la Chapelle-Taillefer), who wished to prevent me from going to Rome where I might expose his conduct."

Escorted by the seneschal of Toulouse and two royal sergeants, Bernard appeared at Senlis before the king, and a large number of prelates, counts, and barons (October 14, 1301). Peter Flotte, an unscrupulous intriguer and a dishonest schemer, was an intimate

[7] These accusations are untrue. Cf. Parsons, *Studies in Church History*, vol. II, p. 414.

[8] Cf. Dupuy, *Divers Actes du Procès Criminel . . . de Pamiers*, pp. 621 ff; cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, p. 143.

counsellor of the king; he declared the grievances against the bishop and brought forth charges similar to those which were advanced by the two commissioners. He accused him of having called the king "a degenerate" and of having said that he was unworthy of the throne and that he wished to dispossess the king of his rights over the city of Pamiers. He concluded thus: "These detestable crimes will be judged by those, who are empowered to judge, but it is necessary that the bishop be put in prison, lest he take refuge in a country which is outside the obedience of the Roman Church and that of the king." Bernard pleaded his innocence and denied the competency of the Assembly at Senlis to judge him, as such a process was contrary to the laws of the Church because a bishop could not be judged before a lay court; hence, the Council has not the right to judge him without the intervention of the Pope who must authorize the procedure.[9] The bishop was committed to the care of his Metropolitan, the Archbishop of Narbonne, Giles Aicelin, a counsellor of the king, who was ordered to place him where he would be incapable of doing harm. Since Philip wished to avoid as much as possible the appearance of the detention of Bernard in prison, he ordered him to be put under the care of the clergy.

It was not without profuse and profound apologies, however, that his Metropolitan, the Archbishop of Narbonne, took the accused into his custody. In a long report to the Court of Rome, the Archbishop sought to explain the affair thus: "The bishop," he said, "has denied everything. I stated to the Council that the affair was of importance and that after having deliberated with the prelates of the kingdom, and after having taken the advice of the Sovereign Pontiff I was ready to do what I should according to God and justice and in conformity with the sacred canons. But the entourage of the king at the Council of Senlis broke forth in menaces and murmurs and great personages cried out to the bishop: 'I do not know what restrains us from murdering you at once.' Thanks to our supplications, however, the king appeased their

[9] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1301, no. 26; cf. Drumann, *Geschichte Bonifacius VIII*, part II, pp. 4-12; cf. Boutaric *La France sous Philippe* le Bel, p. 104; cf. Dupuy, *Divers Actes du Procès Criminel . . . de Pamiers*, pp. 621 ff.

fury, but the accused, who was in danger and needed protection, declared that he would prefer to be placed under the guard of his archbishop than under that of the people of the king. Later the Bishop of Spoleto and the Archbishop of Narbonne made an effort to authorize Bernard to go with a *sauf-conduit royale* to the Sovereign Pontiff, his judge in such a case. But the Council seemingly hesitated and stated that the Archbishop of Narbonne rather espoused the cause of a traitor to that of his king. Whereupon the Count of Artois exclaimed: 'If the prelates do not wish to take charge of the bishop, we shall soon find people who will become his guards.'"

Then a counsellor of the king requested that a report concerning de Saisset be drawn up and the king himself ordered Peter Flotte to go to Rome to demand the canonical punishment of Bernard, the prisoner of Senlis. Peter Flotte declared to the Court of Rome that his master (Philip) did not wish to use his right to punish a man "so unworthy of the sacerdotal office and of the protection granted to the members of the clergy, but in deference and in respect to the pontiff, he would allow him to avenge the injury done to God, the author of all legitimate power, to the king, as a son of the Church, and to the Christian kingdom of France."[10] He then summoned Boniface to declare Bernard bereft of his episcopal dignity. There was much hypocrisy beneath the words of Peter Flotte; he obtained no reply from Boniface, and enraged, he turned to the court of France.

According to another report (the authorship of which was later ascribed to Nogaret), the king, in deference to the qualifications of Bernard had, for some time, refused to believe the alleged crimes of the bishop against his country, but finally, so that he might not be accused by his servants of negligence, he had a secret investigation made in Languedoc. Here is the resumé of the testimonies collected in Nogaret's report:[11] "Not only is Bernard de Saisset a traitor and an insolent person, as public rumor has so accused him, but he is a manifest simoniac; he has sown heretical words against the Catholic faith particularly against the Sacrament of

[10] Cf. Boutaric, *La France sous Philippe le Bel*, p. 104.

[11] Cf. Dupuy, *Divers Actes du Procès Criminel . . . de Pamiers*, p. 626; cf. Langlois-Lavisse, *Historie de France*, t. III, part II, p. 145.

Penance. A blasphemer of God and of men, this wretch, whose youth was so stormy that age has not corrected it, has repeated that our Holy Father the Pope, the Lord Boniface, is the 'devil incarnate' and that contrary to all justice, the said Pope has canonized Louis, King of France, who according to the said bishop, is in hell. It is these prodigious injuries against the Church and the Holy Father which the King resents more than any others, since he, like his ancestors, is the special defender of the faith and the Roman Church."

The king desired that the witnesses appear before him and then things still more terrible were revealed to him. In an assembly held at Senlis, he saw that it was impossible to check the matter, hence he decided to treat it rigorously. In the presence of the Bishop of Pamiers, he requested the Metropolitan of Languedoc to degrade the culprit and to proceed to his arrest, but the bishop spontaneously asked to enter into the archiepiscopal prison. The author of the report added that the king, upon the advice of his barons, had a right to deprive of his office this traitor of his kingdom, "an an infected member of the clergy, since in the presence of such crimes no privilege or dignity holds.[12] But the king said that in conformity with the example of his predecessors, who have guarded the liberties of the National Church, and honored the Roman Church, he was content to indicate these things to the Sovereign Pontiff so that he may act in such a way that this wretch may be deprived of the dignity and privileges of a prelate.

The procedure of William de Nogaret, he who like Flotte, had tried to obtain from Boniface the condemnation of Saisset, did not cease here, for he will soon direct against Boniface himself, his favorite arms, calumny. In order to excite the indignation of Boniface against the bishop, William de Nogaret, the author of this report, did not fear to present the most horrible accusations of which the inquiry does not contain the faintest allusion. In the inquiry of the commissioners, there was no mention of outrages of the bishop against the Pope nor of sins of youth, nor of heresy nor simony. It is worthy of note that all these aberrations will again

[12] Cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, p. 145, p. 151; cf. Dupuy, *Actes du Procès*, pp. 626 ff; cf. Baillet, *Histoire du Démêlez du Pape Boniface VIII avec Philippe le Bel*, p. 114.

be systematically attributed in like terms, with the same protestations "of solicitude for the maintenance of orthodoxy and of good works" to Boniface, to the Templars and to all the alleged enemies of the king upon the destruction of whom Nogaret was determined.[13]

The Pope now thoroughly incensed at the treatment of de Saisset wrote to Philip the Fair on December 5, 1301 of his indignation concerning the matter, and ordered the king to release the bishop at once and to return to him his confiscated estates. In the Bull *Secundum divina,*[14] he went further still and threatened the King of France with excommunication, if he did not immediately liberate the Bishop of Pamiers and allow him to go to Rome to justify himself. He wrote to the Archbishop of Narbonne to detain the bishop no longer. Philip ordered both prelates to depart from his kingdom at once. It is said that de Saisset remained in Rome until after the affront at Anagni; in 1308, the king restored to him his confiscated estates.

A few words must be noted here regarding the early career of William de Nogaret (*de Nogareto or Noyeraie*). The place of birth of William de Nogaret (*de Nogareto*) is unknown; he was of the Languedocian race; his grandfather who belonged to the Paterini, an heretical sect, was burned at the stake. Nogaret was not of noble birth. At an early age, he studied law and in the second half of the thirteenth century, he conducted various functions of State in France. In 1291, he became doctor and professor of law in Montpellier, and in 1294 and 1295 respectively, he became *juge mage* or *judex major* of the seneschal of Beaucaire and Nîmes. His aim was to strengthen the power of the royalty and thus he ably supported the politics of Philip the Fair which tended to secularize society and to transfer to the laity several attributions, which until then, had been in the hands of the religious power.

It was probably in 1296 that he was called by the king to take part in his council and became an agent of the affairs of the kingdom. In 1298, he became judge in the important affairs of the government. In 1299 he was enobled and was qualified as

[13] Cf. Langlois-Lavisse, *Histoire de France,* t. III, part II, p. 146.

[14] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, p. 397; cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1301, No. 28.

miles or "knight"; his official title became *legum doctor et miles* or *miles et legum professor* sometimes with the epithet *venerabilis*. It was in 1300 that Nogaret figured for the first time in the celebrated struggle between Boniface VIII and Philip the Fair, as leader of the royal embassies, and then he vainly alleged their usual selfish intrigues, i. e., the interest of a crusade. In 1301, he was entrusted with two missions and in 1302, he received the very singular commission of establishing customs and laws for the city of Figeac;[15] further comment on his career will be noted in tracing the progress of the conflict between Philip and Boniface.

In the conflict between the pontiff and the king, de Saisset was somewhat forgotten and the anger and intrigues of Philip and his followers were directed against Boniface himself. Philip was in league with the enemies of Boniface; he had given refuge to the Colonna fugitives; he had allied himself with Albert of Austria, who had dethroned Adolph of Nassau, a king recognized by the Holy See; he had abused the concessions which the latter had made in his behalf and had continued to levy subsidies on the clergy when the situation of his kingdom showed no necessity for it. The Flemish ambassador had come to complain to Boniface of the invasion of his country and the captivity of his sovereign, and now the seizure of the bishop had added a final stroke to these grievances: such were the clouds that foretold the tempest which was soon to burst forth with greater vengeance between the two sovereigns.

On December 4, 1301, Boniface signed the Bull *Salvator mundi*[16] in which he declared "that the Vicar of Christ can suspend, revoke and modify the statutes emanating from the Holy See, and that the plenitude of his authority can never be fettered by any disposition whatsoever; consequently he revoked all the privileges granted to the King of France, since the latter had abused them for the oppression of the Church and the clergy and also because the war between France and England was ended."

The next day, December 5, 1301, Boniface issued three Bulls, viz *Ante promotionem, Nuper ex rationabilibus,* and *Ausculta fili.* The Bull, *Ante promotionem,* issued with the advice of the

[15] Cf. Art. "Guillaume de Nogaret, Legiste," *Histoire Littéraire de la France,* vol. XXVII, pp. 239 ff, Paris, 1862.

[16] Dupuy, *Preuves du différend,* pp. 42 ff.

cardinals, summoned the bishops, monks, doctors in theology, and professors in canon and civil law to attend a council to be held in Rome in November, 1302. The Abbots of Cîteaux, Cluny, Prémontré, St. Denis and Marmoutier were invited to this council. The Pope knew what these prelates had to suffer from the king and his officers. He stated that he wished to confer with these various clergymen and "to receive their advice in order that he might rule for the honor of God and of the Church, the exaltation of the Catholic faith, the reform of the king and of the kingdom, for the repression of abuses and the establishment of a wiser government." The pontiff also invited the king to appear in person or by representative. A few of the doctors and professors were allowed to remain in Paris in order to continue teaching.[17] In the Bull, *Nuper ex rationabilibus*, Boniface exhorted Philip to take in good part these measures which the Holy See drew up only for the general good.[18]

Glimpses of Gallicanism; "Ausculta Fili" and "Deum Time."

At this stage in the furious conflict between Boniface VIII and Philip the Fair, glimpses of Gallicanism appear, hence a brief discussion of this subject will not be irrelevant here. The term "Gallicanism" is used to denote a certain group of religious opinions held at one time among the clergy and in the theological schools of France. According to the Gallican theory, the papal supremacy was limited: (1) by the temporal power of the princes which by the Divine Will was inviolable, (2) by the authority of the General Council and that of the bishops, who alone by their consent, could give to papal decrees the infallible authority which they of themselves lacked, (3) by the canons and customs of particular churches which the Pope was bound to take into account when he exercised his authority.[19] The partisans of Gallicanism

[17] Cf. Baronius-Raynaldi, *Annal. eccles* ad ann. 1301, No. 29; cf. Dupuy, *Preuves du différend*, pp. 53, 54.

[18] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1301, No. 30.

[19] Cf. Degert, Art. "Gallicanism," *The Catholic Encyclopedia*, vol. VI, p. 352.

did not contest the primacy of the Pope and never claimed that their ideas had the force of an article of faith. In 1682, the Assembly of French Clergy codified the Gallican articles but did not create them.

There were in France two distinct parties, i. e., the adherents of the Pope and the adherents of the king. The former were called Ultramontanes because they espoused the cause of Ultramontanism, a term used to denote active and integral Catholicism, since it recognized as its spiritual head, the Pope, who for the greater part of Europe is a dweller beyond the mountains (ultra-montane), i. e., beyond the Alps. The Ultramontanes called Boniface VIII "the Great" for they beheld in him a Pope, in whom the consciousness of the papal dignity and power prevailed in an insurmountable degree. The adherents of the king, in turn, favored the cause of Gallicanism and sought to restrain the rights of the papacy. It was the Bull *Ausculta fili* which aroused Gallican opposition.

Philip still continued his tyrannical measures. He arrogated to himself the rights reserved to the Pope, conferred benefices and bishoprics as he saw fit, and deposed prelates who seemed favorable to the pontiff and named others in their places. In order to destroy this ever-increasing despotism Boniface issued the Bull *Ausculta fili*[20] in which he proclaimed the supremacy of the Holy See over kings and in which he stands forth "as the mouthpiece of the Mediaeval Papacy, and as the genuine successor of the Gregories and the Innocents." In this Bull which treats essentially of eccle-

[20] Cf. Dupuy, *Preuves du différend*, pp. 48 ff; cf. *Bullarium Magnum*, t. IX, p. 121, Luxemburg, 1730.

["*Ausculta, fili carissime, praecepta patris, et ad doctrinam magistri qui gerit illius vices in terris qui solus est magister et Dominus, aurem tui cordis inclina . . . Constituit enim nos Deus, licet insufficientibus meritis, super reges et regna, imposito nobis apostolicae servitutis jugo, ad evellendum, destruendum, disperdendum, dissipandum, aedificandum atque plantandum sub ejus nomine et doctrina; et ut gregem pascentes dominicum, consolidemus infirma, sanemus aegrota, alligemus fracta, et reducamus abjecta, vinumque infundamus et oleum vulneribus sauciatis. Quare, fili carissime, nemo tibi suadeat quod superiorem non habes, et non subsis summo hierarchae ecclesiasticae hierarchiae, nam desipit qui sic sapit, et pertinaciter hoc affirmans convincitur infidelis nec est intra boni pastoris ovile . . .*"]

siastical interests impaired by the King of France, the Pope laid down this principle: "that God has placed him over kings and empires, to uproot, to destroy, to dissipate, to edify, and to plant in the name of Christ and by His doctrine, and he himself, although weak in merit, on the very day on which he received upon his shoulders the yoke of apostolic servitude was charged in the name of Jesus Christ and in conformity with His doctrine, to feed His flock, to confirm the weak, to heal the sick and to uplift the fallen and to pour oil and wine on all their wounds." Boniface then proceeds to reproach the king with the seizure of ecclesiastical benefices, and with the alteration of the money. He concludes his Bull thus: "Let no one persuade you, my dear son, that you have no superior on this earth and that you are not subject to the supreme head of the ecclesiastical hierarchy." This Bull contains truths which a spiritual father does not cease to repeat to a Christian king: it is, and always will be true to say "God alone is master and sovereign" and always false to advance the principle, from the point of view of conscience and justice: "The king has no superior." Such in part is the meaning of the pontifical Bull.[21] It is dated December 5, 1301, and subsequent to this date, it was discussed by the cardinals in consistory and was not brought to France until the beginning of the year 1302 by James de Normans, Archdeacon of Narbonne. When on February 10, 1302, the Archdeacon obtained an audience with the king at the Louvre and began the reading of the Bull in the presence of a few barons, the Count of Artois, a cousin of the king, tore it from the hands of the Archdeacon and threw it into the fire.[22] The news of this procedure was proclaimed throughout the public streets by the crier, but the act itself was not committed by order of the king[23]

The French writer, Abbé Christophe, tells us: "All the furies

[21] Cf. Audisio, *Droit Public de L'Église et des Nations Chrétiennes*, t. II, pp. 230 ff.

[22] History records but one other instance of the public burning of a papal Bull, viz that done by Martin Luther at Wittenberg. Cf. Rocquain, "La Bulle Ausculta fili," *Bibliothèque de L'École des Chartres*, pp. 393-418. Rocquain claims that this Bull was not burned. Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 403.

[23] Cf. Parsons, *Studies in Church History*, t. II, p. 416.

of Gallicanism were unloosed against this Bull." The Gallicans considered it injurious to the majesty of the kings, and irritating to Philip the Fair for they stated that it contained this maxim unheard of before the time of Boniface VIII, that the Pope in his capacity of Vicar of God on earth is master of all the kingdoms of the world, and that it made the crown of France dependent on the Holy See. The Bull simply enunciates the right, until then incontestable, in virtue of which the Popes oppose the tyrannical injustice of the princes regarding the Church. This right is the rampart of liberty and not of servitude. The Pope did claim a superiority and jurisdiction *ratione peccati* and he manifestly expressed this superiority in this Bull, "but always of course in relation to the political activity which expands in a *moral atmosphere*, in which judgment must be given by one who is the exclusive judge, *occasione peccati*.[24] He did not claim superiority in temporal affairs. But Philip spread the false assertion, that the pontiff claimed a temporal superiority and endeavored to excite French nationalism by representing the Pope as a person who was occupied with the purely temporal affairs of France. Peter Dubois, a lawyer, stated that in this Bull, the Pope lacked reason and that he had no argument in favor of his thesis, but his own good pleasure. He was incensed at the Bull and with a heart filled with "patriotic spite" he was ready to retaliate. It was just the attitude of retaliation and resentment which the enemies of the Pope wished to create and preserve in the popular mind.

Philip was very jealous of his own power and unscrupulous in his means to defend and increase it, yet he did not wish prematurely to commit himself to any action regarding the Bull *Ausculta fili;* but he was surrounded by counsellors and advisers, among whom Peter Flotte ought to be especially mentioned on this occasion.[25] For he it probably was who forged a papal Bull *Deum time* which was very offensive in tone and injurious to the king; this apocryphal document was now published in France instead of the *Ausculta fili*. The apocryphal Bull *Deum time* reads thus: *Bonifacius episcopus, servus servorum Dei, Philippo, Francorum*

[24] Cf. Gemelli, Art. "La Doctrine et L'Unité Sociale du Moyen Age," *Revue de Philosophie*, p. 15, Paris, 1925.

[25] Cf. Christophe, *Histoire de la Papauté*, t. I, p. 113.

regi. Deum time et mandata ejus observa. Scire te volumus quod in spiritualibus et temporalibus nobis subes. Beneficiorum et praebendarum ad te collatio nulla spectat, et si aliquorum vacantium custodiam habeas, fructus eorum successoribus reserves; et si quae contulisti, collationem hujusmodi irritam decernimus et quantum de facto processerit revocamus. Aliud autem credentes haereticos reputamus." [26]

In vain did the Pope and the cardinals protest against the forgery *Deum time,* and vainly did the Pope explain that the subjection which he maintained was only *ratione peccati.* Indeed the apocryphal Bull *Deum time* was not without disastrous effects. It depicted Boniface as a disturber of the peace who, overcome by ambition, wished to dethrone the King of France and make himself king, and it enraged the French people. In order to increase and intensify further, the effect produced by this false Bull *Deum time* and to throw the national sentiment entirely on the king's side, his friends later circulated a pretended reply of Philip to the Pope which was based on the *Deum time.* It reads thus: "*Philippus, Dei gratia Francorum rex, Bonifacio se gerenti pro summo pontifice salutem modicam seu nullam. Sciat maxima tua fatuitas, in temporalibus nos alicui non subesse, ecclesiarum et praebendarum vacantium collationes ad nos jure regio pertinere, fructus eorum nostros facere, collationes a nobis hactenus factas et in posterum faciendas fore validas et in praeteritum et futurum, et earum possessores contra omnes viriliter nos tueri. Secus autem*

[26] Cf. Dupuy, *Preuves du différend,* p. 44; *Bullar. Magnum,* t. IX, p. 120; Potthast, *Reg.* t. II, p. 2006.

"Boniface, Bishop, servant of the servants of God, to Philip, King of the Franks: fear God and keep his commandments. We wish you to know that you are subject to us in spiritual and temporal affairs. The collation of prebends and benefices in no way belongs to you and if you should have the care of any of these vacant benefices, you should reserve the fruits of them for their successors; and if you have conferred any, we declare a collation of this kind null and void and we revoke all that has actually taken place (in this regard). Moreover, we consider as heretics those who believe otherwise."

credentes fatuos et dementes reputamus." [27] This reply had never been officially sent to the Pope, but this fact does not imply that it was unknown at Rome, for it was discussed in the Consistory of August, 1302, both the Pope and the Cardinal-bishop of Porto alluded to it.[28] Probably the friends of the Pope in France had informed him of this reply, and in order to intimidate him, the ministers of Philip the Fair probably so arranged that a copy of it should fall into his hands.

Philip now felt that if he allowed the pontifical declarations of the Bull *Ausculta fili* to pass without a more striking protestation, his power would be shaken, therefore, he convoked the first States General of which we have any precise intelligence.[29] He sent letters to the nobles, churches and cities of the kingdom, expressing his desire to deliberate with his prelates, his barons, and his clients on certain affairs of interest to the king, the kingdom, and the churches each and all. The barons, the bishops, the abbots, and the provosts were to appear in person; the commons were to be represented by deputies. Each city also received orders to send two or three of its principal citizens to Paris. The assembly was to forestall the Roman Council of November, 1302, which Boniface had ordered, for it was to convene on April 10, 1302, in the Cathedral of Notre Dame in Paris. Although the clergy, the nobility, and the third estate participated in the government, and although previously, the three orders of the State had frequently been convoked separately in order to decide important affairs, yet Philip

[27] Cf. Dupuy, *Preuves du différend*, p. 44; cf. *Bullar Magnum*, t. IX, p. 123.

"Philip, by the grace of God, king of the Franks, to Boniface who calls himself Pope, little or no salutation. Let your very great stupidity know that we do not submit to any one in temporal things; that the collation of benefices and vacant prebends belongs to us by right of our crown, that we make the fruits of their revenues our own, that the collations made by us heretofore, and those which will be made in the future have been and will be valid both in the past and in the future, then we will guard firmly the possessors of the benefices against every one. Moreover, we consider those who believe otherwise as senseless and insensate."

[28] Cf. *Histoire Littéraire de la France*, vol. XXIV, p. 148. It is here admitted that Philip's letter, mentioned above, had not been officially sent to Boniface.

[29] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 22 ff.

now conceived the idea of uniting the three orders in the States General of his own accord and "by the plentitude of his authority."[30] His convocation was a voluntary appeal to all classes of the nation and was a novelty in so far as he convened the three orders simultaneously. He counted on the sympathy of the third estate on this occasion and it was, indeed, remarkable that he himself "so habitually despotic, became suddenly a partisan of parliamentary régime."

When the Assembly convened, the king asked the bishops and the nobles from whom they held their fiefs and they replied unanimously that they held them from him. Then he delivered a discourse stating that his predecessors, having gained this kingdom of France from the barbarians by their valor and with the assistance of their companions, had governed and held it from God alone. As for himself, he had succeeded them by the Divine Will and was desirous of walking in their footsteps, hence, he was ready to sacrifice all his property and even his life, in order to preserve intact the independence of the kingdom. Alluding to the prelates whom Boniface had called to Rome, he protested that those who violated his orders to obey those of the Pope, would be regarded by him as personal enemies.[31]

Peter Flotte, speaking in the name of the king, addressed the assembly thus: "They have remitted to us," he said, "letters of the Pope, who claims that we must submit to him in the temporal government of our kingdom and that it is from the Apostolic See that we hold our crown. Yes, this kingdom of France which has been formed with the assistance of God and the industry of our ancestors, who have expelled the barbarians from it,—this kingdom which until now has been so judiciously governed—it seems that it is not from God alone, as we always believed, but from the Pope that we hold it! The Pope has convoked the prelates and the theologians to remedy the excesses which have been committed by the king and his ministers, although the faithful people of France only wish to remedy these grievances, if they exist at all, by the royal authority. But in reality, is it not the Pope more than any other, who oppresses

[30] Cf. Labbeus, *Sacrorum Conciliorum*, XXV, col. 95, Venice, 1782; Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio*, XXV, col. 95.

[31] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 23 ff.

the French Church?" And the orator, taking the offensive, claimed that this Court of Rome does an immense wrong to the Gallican Church by its irregular collations (whereby it gives benefices to strangers without residence and to suspects), by its imposts unheard of to this day, by its nepotism, its avidity and its reproachful tyranny. "The Metropolitans," he continued, "have no authority over their suffragans, nor the bishops over their clergy, but the Court of Rome, reducing the episcopate to nothing draws all things to itself: power and money. The monarch Philip, here protests before us that he recognizes no superior but God alone, and we beg you to defend with an energetic resistance the ancient liberties of the nation. As for ourselves, we shall not spare our estates, our lives and even the lives of our children." [32] This became the attitude of the majority of the audience.

It is plain that this discourse contained the genuine principles of Gallican doctrine. Louis XIV explained himself through Philip the Fair and 1682 is the florescence of 1302, with this difference: in 1682 Bossuet threw into the balance a magnificent discourse on the unity of the Church; while in 1302, the crafty Peter Flotte, by a surreptitious and seductive speech, aroused and agitated the States General against the pretended tyranny of Rome. After the discourses of the king and his adviser, Peter Flotte, had ended, the nobles who were blamable for exactions against the Church similar to those of the king, met and deliberated. Robert of Artois was delegated to bear their declarations to the king. In order to protect themselves, they declared that they were ready to do the good pleasure of the king; indeed, they were so incensed by the alleged design of Boniface, i. e., to make the kingdom of France a fief of Rome, that they declared themselves ready to maintain the independence of the crown at the price of their blood.

The clergy alone dared to comment on the speech of Flotte and say that the Pope had touched neither their rights nor the franchises of the State. Were they possessed of a little more courage, they could have spared both France and its king a most infamous act. Threats and menaces, however, triumphed over conscience

[32] Cf. Audisio, *Droit Public de L'Église*, vol. II, pp. 233 ff; cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, pp 149 ff.

and honor, and they "shamefully surrendered to court influence." These prelates, who but a short time before had invoked the authority of the Pope, now denied it.[33] Seized by the fear of losing their benefices and of being exposed to the vengeance of the king, they assumed an attitude of cowardice, conciliation and temporization. Then too, many among them were not well disposed to uphold Boniface because when he was a legate in France (1290), he had rejected their petitions against the regulars in an abrupt and sarcastic manner. "We are the devoted sons of the Roman Pontiff," they said, "and the most loyal subjects of Philip." This was certainly a contradiction in terms, for their filial devotion to the Pope could not but be destroyed by submission to Philip, not as a prince but as an enemy of the papal supremacy.

Thus the prelates found themselves in a captious and cruel dilemma; "their necks were bound by a heavy halter which they were unable to loose." Obedience to the king meant rebellion against the Pope. They addressed to Boniface an embarrassing letter written in French. In form it was apparently respectful, yet in sentiment it was thoroughly in conformity with the adherents of the king. In it they related in detail the royal complaints regarding the Holy See. They remonstrated with the Sovereign Pontiff thus: "We, considering then this great schism threatening the King of France and the Church of Rome, the evils which can come from it, the division which it can engender, the ecclesiastical persons whom it can expose to violence, the distrustful attitude of the laity towards the clergy which it can foster, humbly appeal to your paternal prudence and entreat you not to destroy this ancient union which exists between the Church and the kingdom." In order to avert scandal and in the interests of peace, they entreated Boniface to revoke his commands obligating them to assist at the Roman Council of 1302, lest they incur the royal resentment. Boniface refused to dispense them.

The king on his part, absolutely forbade them to attend the council and regarded as his personal enemy any one, who would attempt to do so, contending that he who was of any other mind than that of the king, must be considered an enemy of the king-

[33] Audisio, *Histoire des Papes*, 1294-1385, p. 20.

dom. Philip knew intuitively that the very air of Rome would resuscitate their courage and make them ashamed of their weakness; this would be a deathblow to his plans and was largely the reason for his prohibition. Many among the clergy sought to enjoy the royal privileges and purchased them with their liberty. "Being enslaved, they called themselves free, and they scattered the seeds of Gallican liberty." [34] Certainly, if it is in this assembly as it is written, that the Gallican Liberties have been claimed for the first time, one must confess that those who composed them had a strange idea of the word "liberty"; they made it a synonym for servitude and never was "servitude more solemnly consecrated." [35]

The nobility, who assembled at the States General at Notre Dame, likewise addressed a letter containing their declarations, not to the Pope, however, but to the College of Cardinals. The king thought this mark of deference manifested to the cardinals might win them to his side, but the support of the cardinals was not to be bought by this seeming semblance of confidence. The third estate, feeble and ignorant, was obedient to the wishes of the nobility and the government, and they, too, through the agency of their deputies, who shared the spiteful sentiments of Peter Dubois, directed a definite protest to the cardinals, in which they recalled the services of France to the Roman Church. It is related that the nobility and the third estate failed to give the title of "Pope" to Boniface in these letters; they spoke of the "unreasonable enterprises of one who now governs the Church and of the outrageous trespasses and the perverse will *of this man.*" [36]

One is not reduced to conjecture in order to form an idea of the sentiments which Boniface experienced, when the messengers bearing these letters of the nobles, the clergy, and the third state arrived at Anagni on the Feast of St. John the Baptist, 1302. Grief-stricken and indignant at the proceedings of the assembly, he wrote a reply to the French clergy in which he vehemently upbraided them for their cowardice and fear in the presence of earthly judges who threatened their temporal ruin. He severely

[34] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times*, pp. 344 ff.

[35] Christophe, *Histoire de la Papauté*, pp. 121-122.

[36] Cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, p. 150.

rebuked their hesitation to obey his summons to the Roman Council of 1302, and referred ironically to Peter Flotte, remarking "that he was physically half blind and spiritually stone blind." He gave utterance to his solicitude for the soul of Philip the Fair as he was being influenced by false advisers. In further remonstrances, he sought once more to chastise the clergy for listening to schismatic and impious speeches without a decided refutation and protestation.[37] He renewed with threat of censure the order to go to the Roman Council of 1302 [38] and declared that these, his enemies, were calumniators who have maliciously sought to separate the clergy from the unity of the Church and to render them accomplices in their crimes. He predicted that the "second Lucifer," i. e., Peter Flotte would be vanquished as was the first, for "they work vainly," he said, "who seek to erect another pulpit in opposition to that of Jesus Christ and maintain that the temporal must not concede to the spiritual."

Philip was indeed mistaken if he hoped to rally the cardinals around him for in their reply to the letter of the nobility (June 26, 1302) they, in a spirit of loyalty to the Pope, expressing their grief over the sad situation of the Church and their desire that peace and concord might be restored between the Roman Church and the King of France, proceeded to refute the charges against the pontiff. They assured the barons that the Pope had never written to the king that the latter was subject to him even in temporal affairs *in temporalia* and that he held his kingdom from him as a fief, for James, Archdeacon of Narbonne himself had assured the cardinals that he had never communicated the like statements to the king either by word of mouth or in writing. Consequently, all that Peter Flotte had said in the presence of the king, of the prelates, the barons, and the third estate rested on falsehood and his entire edifice crumbled away.[39] The cardinals stated that it was not a novelty to see the Pope convoke councils, not only particular councils, but even general councils, and that the pontiff had granted numerous privileges to Philip but had been repaid only with ingratitude. They declared that the Pope

[37] Dupuy, *Preuves du différend*, pp. 65 ff.

[38] Ibid.

[39] Cf. Ibid., pp. 63 ff.

had never given any Cathedral Churches of the kingdom to an Italian, with the exception of the Churches of Bourges and Arras, and in these two instances he had chosen persons who could not be "suspects" to the king but who were noted for their knowledge and celebrity, and that he had never named "suspects" to any French cathedrals. He had named to the Archbishopric of Bourges, Egidio Colonna, the celebrated disciple of St. Thomas of Aquin, and it was precisely upon the desire of Philip that the Pope named this prelate an Archbishop. He also appointed to the See of Arras, Gerard Pigolotti, who was educated at Paris and there became a celebrated canonist. After reprimanding the nobles for their disrespect to the Pope, the cardinals replied to the letter of the deputies of the third estate which reply was conceived in similar terms.[40]

In August, 1302, the French ambassadors were invited by the Pope to attend a consistory which opened with a discourse by Matthew Aquasparta, the Cardinal-bishop of Porto. He stated that numerous complaints had come to the Pope regarding the abuses which existed in the kingdom of France and respecting the attacks upon the liberty of the Church. This prelate related that a confidential Bull *Asculta fili,* too, had been sent to the king by the unanimous consent of the Pope and the cardinals (for no difference of opinion existed between the Pope and his brethren as they already knew), this Bull was not sent hastily; it had been presented several times for reports in the Consistory; it had been reread and carefully corrected; and it contained nothing that was really haughty or openly offensive. According to this Bull (which has been falsified) Philip held his kingdom as a fief of the Holy See: this the cardinal frankly denied, since the Bull did not contain this statement and he expressed his desire that all rumors to this effect should cease.

Presently the Cardinal-bishop of Porto spoke of another Bull *Deum time* which had been sent to the king. He said that he knew nothing of the origin of this, for the cardinals did not send it and he was persuaded that it was not sent by the Pope, for the Bull sent by him and his brethren was filled with charity and had for its purpose only the amendment and salvation of the king, who though good and Catholic at heart, was greatly influenced by evil

[40] Cf. Dupuy, *Preuves du différend,* pp. 71 ff.

advisers. Then the Cardinal-bishop of Porto asked: "Of what does the King of France complain? If the prelates have been called to Rome to deliberate on certain affairs, it is not strangers nor adversaries of the king, who are convoked, but naturally they who are his confidants and his companions, and who love the honor of the king and that of the kingdom. These prelates must not remain in Rome always, but their affairs having been terminated, they return to France. The king should have no complaint regarding the benefices of his kingdom. Here we must distinguish between the right of patronage with presentation, and collation with the right of possession. The king cannot have in this matter any other rights than those which he possesses *ministeraliter,* that is to say, the rights which the Pope has given to him as his minister or his vicar. If the king can give benefices of his own authority, why then does he ask this privilege from the Church? The king has his confessor, in virtue of what authority and in the name of what power does he give him absolution? Evidently in virtue of the authority of the Pope, from whom all the bishops hold their powers, and by whom they have been admitted *in partem sollicitudinis.*"

The Cardinal-bishop continued thus: "I am going to cite that, which according to your point of view, may be called 'gross foolishness,' but this is my conviction which I am willing to defend at the peril of my life and before the whole world, namely: I declare that the Pope, as the Vicar of Christ, is all powerful, because Christ, who is the Lord of all, has given His powers to Peter and to his successors. Any one who maintains the contrary is a heretic." This prelate proved his contention thus: "In the entire world there is only one man who is supreme; in a family there is only one father; on a ship there is only one captain; in a body there is only one head which rules, otherwise, one would be a monster. In the Ark of Noe, there was only one captain and those who were united with him were saved, the others were lost. In the same manner, in the Church which is the ship of Christ and of Peter, there is only one Captain and one Head, Whom all must obey; He is the Lord of all things spiritual and temporal, since as we have said before, He is all powerful." The Cardinal-bishop added: "The king has no reason to complain that strangers have received archbishopries in his kingdom, e. g., (Egidio Colonna and Gerard Pigolotti), for in reserving to itself the right to give such places, the Church

has made no innovation because the Pope possesses the fulness of power in spiritual things. All the cardinals should be ready to sacrifice their lives for him and for the liberty of the Church."

The Cardinal-bishop then proceeded to claim that the Pope has two jurisdictions, i. e., the spiritual and the temporal. The Pope has *principaliter* spiritual jurisdiction because it was given by Christ to Peter and to his successors. Temporal jurisdiction belongs to the emperors and to the kings, but it still belongs to the Pope to extend his judgment over temporal things *ratione peccati.* He distinguishes between the one who has the right of temporal jurisdiction and the one who has only the usage and execution (*ad usum et ad executionem*). As to the right of the temporal jurisdiction, it belongs to the Pope as the Vicar of Christ and of Peter, and to deny it is to deny this article of faith, that Christ judges the living and the dead. But regarding usage and execution, temporal jurisdiction is not a province of the Pope, that is why Christ has said to Peter: "Put up your sword into the scabbard." The King of France then has no reason to complain." [41]

Boniface VIII then addressed the consistory and spoke of the prosperity of France when it was in union with the Holy See; he discussed the evil deeds of those who frustrated this union, viz Peter Flotte, the Count of Artois, and the Count of St. Pol.[42] In referring to the Bull *Ausculta fili,* Boniface stated that Peter Flotte had either falsified the text of the Bull or else he had given a false explanation of it, when he claimed that it asserted that the King of France held his kingdom as a fief of the Holy See. It is well to know precisely, in just what this moral superiority of the Pope over the king, which Boniface claimed in this Bull consisted, and the pontiff explained himself very clearly in the Consistory when he said: "We know that there are two powers established by God, we are not so bereft of reason and so foolish as to believe the contrary. There are two jurisdictions, the spiritual and the temporal; the one given by God to St. Peter and the other which belongs to the emperors and the kings." The Pope stated that he had no intention of usurping a jurisdiction which did not belong to him, yet

[41] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, p. 420.

[42] Cf. Dupuy, *Preuves du différend,* pp. 73 ff. It may be that the Pope did not know that Peter Flotte had been killed in the Battle of Courtray, July 11, 1302.

he maintained that the king cannot deny that he must submit to the Roman Pontiff *ratione peccati.*[43] In other words, he attributed to himself the right, if the king happen to sin, not only, as a private individual, but in the administration of the affairs to correct him by his decrees, to protect public order in the Church and in the kingdom, and finally to punish contumacious princes by excommunication and even by deposition, for the spiritual jurisdiction extends over the temporal in such cases.[44] There can be no difficulty as to the fact that the Church cites to her tribunal in case of sin *ratione peccati* the powerful, as well as the ordinary members of the faithful, thus proclaiming in principle the equality of all before the law.

With reference to the collation of benefices, Boniface signified his willingness to grant all possible favors to the king so that he might act henceforth in a lawful manner; he insisted, however, on the fact that the collation of benefices cannot belong to a layman without the tacit and explicit permission of the Holy See. He stated that he would abandon entirely the collation of the prebends of the Church of Rome into the hands of the king, if the latter would consent to give them to professors of theology or philosophy, and not to his nephews or to persons who were unworthy, as he had done in the past. He, himself, testified that he would accept the correction in his own regard of worthy barons, e. g., the Duke of Burgundy or the Count of Brittany, and would reply willingly and make explanations and amends for any offense given by him. The conclusion of this pontifical speech is considered by some authorities as a falsification,[45] but the following are the main ideas which it contains. In it the Pope set forth his desire to maintain concord with the king and the kingdom, and stressed his love for the French nation, since he was French in sentiment in the days of his cardinalate, and he related that he was reproached by the Roman cardinals for this very thing. Were it not for his assistance, Philip would not now be on the French throne, since he would have been unable to triumph over his numerous enemies. He stated that

[43] Cf. Audisio, *Le Droit Public de L'Église*, t. II, p. 252.

[44] Cf. Ibid.

[45] Cf. Hergenröther, *The Catholic Church and the Christian State*, vol. II, p. 119; cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 421 ff.

his predecessors had deposed French kings and that while he himself did not wish to imitate them, yet if it were necessary, and if the King of France repented not, he would depose him. Whereupon the Pope confirmed and renewed his convocation of the clergy to Rome.

The speeches of the Pope and the Cardinal-bishop of Porto did not fail to arouse new opposition. The Pope indeed was plainly in the right when he complained of the falsification or suppression of the Bull *Ausculta fili,* as also when he denied the accusation, that France was claimed as a fief of the Holy See. He was also in the right in the matter of the collation of benefices and in the subjection of the king *ratione peccati.* But Hefele-Leclercq makes this observation, viz that the restriction *ratione peccati* appeared very futile to the men of the French state, as likewise the thesis of the Cardinal-bishop of Porto; viz that by right all temporal power belonged to the pontiff and it was only, *quantum ad usum et ad executionem,* that it did not belong to him. Gregory IX (1227-1241) had already in his opposition to the Greeks and to the Emperor Frederick II sustained an analogous proposition, i. e., that Constantine the Great had equally abandoned the temporal power, and that the emperors and kings were only the auxiliaries of the Pope in holding the material sword and in using it according to the orders of the Holy See. But in opposing France, the papacy had never officially enunciated this theory and the difficulty was not about a theory but about a practical situation, about a projected reform of the government and a threat to depose the king.[46]

Circumstances now seemed somewhat favorable to Boniface, for a short time after he had predicted in his reply to the letter of the French clergy, the death of the "second Lucifer," Peter Flotte, the news reached Italy that he, with Robert of Artois, the cousin of the King, had been killed in the Battle of Courtray, July 11, 1302. In this engagement, French pride had been cruelly humiliated by the Flemish, and the king, a victim to a host of embarrassments, now seemed resigned to negotiate with the Pope as to a peaceful settlement of their differences. Accordingly, Robert, Duke of Burgundy, wrote to several cardinals begging them to exert their

[46] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, pp. 423 ff.

efforts for a reconciliation between the prince and the pontiff. The cardinals replied: "Philip has gravely offended the Sovereign Pontiff, we shall see whether or not he will repent."[47] Indeed the dissension between the two sovereigns had now become so accentuated that all attempts at reconciliation seemed futile.

It must be noted here that after the death of Peter Flotte (July, 1302), Philip did not at once invest William de Nogaret with the office of keeper of the royal seals, as some of his biographers have erroneously supposed. Nogaret was not charged with this office until September 22, 1307, and he was never first chancellor of the kingdom. It seems, however, that he exercised some function in the chancery, perhaps that of secretary of the king, since a fold of the royal charter of the month of June, 1312, bears these words: *Per Dominum G. de Nogareto.*[48]

Despite the king's prohibition, regarding communication with Rome, four archbishops, those of Tours, Bourges, Auch and Bordeaux, thirty-five bishops (not counting Peter of Mournay, the Bishop of Auxerre, who was then in Rome as an ambassador of the king) six abbots and several doctors and professors, proceeded to Rome in obedience to Boniface's summons to a council.[49] On October 30, 1302, the Pope opened the synod attended by cardinals, bishops, and priests. The acts of this synod are lost; it is said that they were destroyed in order to please Philip the Fair. In this assembly, Boniface did not issue a letter of personal excommunication against Philip, but on November 18, 1302, he launched a general anathema of excommunication against all those who prevented the faithful from going to Rome.[50] No extreme measures were taken against Philip the Fair, despite his violations of the rights of the Church. Even in the decree of excommunication, just mentioned, the name of the King of France does not occur. This Roman synod was noteworthy among other things for the publication of the famous Bull *Unam sanctam* in which the supreme authority of the Pope is enunciated.

[47] Cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, p. 153.

[48] Cf. Renan, Art. "Guillaume de Nogaret," *Histoire Littéraire de la France*, t. XXVII, p. 241.

[49] Cf. Dupuy, *Preuves du différend*, p. 86.

[50] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1302, no. 16.

CHAPTER VI.

The Second Stage of the Conflict (*Continued*).

Unam Sanctam.

Among the acts emanating from the Holy See on the power of the papacy, one of the most celebrated is the Bull *Unam Sanctam* of Boniface VIII which was released on November 18, 1302. It has been claimed that in this Bull Boniface VIII has carried the power of the Holy See further than any of his predecessors since Gregory VII. The text of the Bull runs thus:

Unam sanctam Ecclesiam catholicam, et ipsam apostolicam, urgente fide, credere cogimur et tenere. Nosque hanc firmiter credimus et simpliciter confitemur: extra quam nec salus est, nec remissio peccatorum, Sponso in canticis proclamante: Una est columba mea, perfecta mea. Una est matri suae, electa genetrici suae: quae unum corpus mysticum repraesentat, cujus caput Christus: Christi vero Deus. In qua unus Dominus, una fides, unum baptisma. Una nempe fuit diluvii tempore arca Noe, unam Ecclesiam praefigurans, quae in uno cubito consummata unum (Noe videlicet) gubernatorem habuit et rectorem, extra quam omnia subsistentia super terram legimus fuisse deleta.

"Urged by faith, we are obliged to believe and to maintain that the Church is one, holy, catholic, and also apostolic. We believe in her firmly and we confess with simplicity that outside of her there is neither salvation nor the remission of sins, as the Spouse in the Canticles (VI, 8) proclaims: 'One is my dove, my perfect one. She is the only one, the chosen of her who bore her,' and she represents one sole mystical body whose Head is Christ and the head of Christ is God (1. Cor. 11.3). In her then is one Lord, one faith, one baptism (Eph. IV, 5). There had been at the time of the deluge only one ark of Noe, pre-figuring the one Church, which ark, having been finished to a single cubit, had only one pilot and guide, i. e., Noe, and we read that outside of this ark, all that subsisted on the earth was destroyed.

Hanc autem veneramur ut unicam, dicente Domino in Propheta: Erue framea, Deus, animam meam, et de manu canis unicam meam. Pro anima enim, id est, pro se ipso,

We venerate this Church as one, the Lord having said by the mouth of the prophet: 'Deliver, O God, my soul from the sword and my only one from the hand of the dog.'

capite simul oravit et corpore: quod corpus unicam scilicet Ecclesiam nominavit, propter Sponsi, fidei, sacramentorum, et charitatis Ecclesiae unitatem. Haec est tunica illa Domini inconsutilis, quae scissa non fuit, sed sorte provenit. Igitur Ecclesiae unius et unicae unum corpus, unum caput, non duo capita, quasi monstrum, Christus videlicet et Christi vicarius, Petrus Petrique successor, dicente Domino ipsi Petro: Pasce oves meas, meas, inquit, et generaliter, non singulariter has vel illas: per quod commisisse sibi intelligitur universas. Sive ergo Graeci, sive alii se dicant Petro ejusque successoribus non esse commissos, fateantur necesse est de ovibus Christi non esse, dicente Domino in Joanne: Unum ovile et unicum esse pastorem. In hac ejusque potestate duos esse gladios, spiritualem videlicet et temporalem, evangelicis dictis instruimur. Nam dicentibus Apostolis: Ecce gladii duo hic: In Ecclesia scilicet cum Apostoli loquerentur, non respondit Dominus nimis esse, sed satis. Certe qui in potestate Petri temporalem gladium esse negat, male verbum attendit Domini proferentis: Converte gladium tuum in vaginam. Uterque ergo est in potestate Ecclesiae, spiritualis scilicet gladius et materialis; sed is quidem pro Ecclesia, ille vero ab Ecclesia exercendus. Ille sacerdotis, is manu regum et militum, sed ad nutum et patientiam sacerdotis.

(Ps. XXI, 20). He has prayed for his soul, that is for himself, head and body; and this body, that is to say, the Church, He has called one, because of the unity of the Spouse, of the faith, of the sacraments, and of the charity of the Church. This is the tunic of the Lord, the seamless tunic, which was not rent but which was cast by lot (John XIX, 23-24). Therefore, of the one and only Church there is one body and one head, not two heads like a monster; that is, Christ and the Vicar of Christ, Peter and the successor of Peter, since the Lord speaking to Peter himself said: 'Feed my sheep' (John XXI, 17), meaning my sheep in general, not these, nor those in particular, whence we understand that he entrusted all to him (Peter). Therefore, if the Greeks or others should say that they are not confided to Peter and to his successors, they must confess not being the sheep of Christ, since Our Lord says in John 'there is one sheepfold and one shepherd.' We are informed by the texts of the gospels that in this Church and in its power are two swords; namely, the spiritual and the temporal. For when the Apostles say: 'Behold here are two swords' (Luke, XXII, 38) that is to say, in the Church, since the Apostles were speaking, the Lord did not reply that there were too many, but sufficient. Certainly the one who denies that the temporal sword is in the power of Peter has not listened well to the word of the Lord commanding: Put up thy sword into the scabbard (Matt. XXVI, 52). Both, therefore, are in the power of the Church, that is to say, the spiritual and the material sword,

Oportet autem gladium esse sub gladio; et temporalem auctoritatem spirituali subjici potestati. Nam cum dicat Apostolus: Non est potestas nisi a Deo; quae autem sunt, a Deo ordinatae sunt; non autem ordinatae essent, nisi gladius esset sub gladio et tanquam inferior reduceretur per alium in suprema.

Nam secundum B. Dionysium, lex divinitatis est infima per media in suprema reduci. Non ergo secundum ordinem universi omnia aeque et immediate, sed infima per media et inferiora per superiora ad ordinem reducuntur. Spiritualem autem et dignitate et nobilitate terrenam quamlibet praecellere potestatem oportet tanto clarius nos fateri, quanto spiritualia temporalia antecedunt. Quod etiam ex decimarum datione, et benedictione et sanctificatione, ex ipsius potestatis acceptione, ex ipsarum rerum gubernatione claris oculis intuemur. Nam veritate testante, spiritualis potestas terrenam potestatem instituere habet et judicare si bona non fuerit: sic de Ecclesia et ecclesiastica potestate verificatur vaticinium Hieremiae: Ecce constitui te hodie super gentes et regna, et caetera quae sequuntur. Ergo si deviat terrena potestas, judicabitur a potestate spirituali; sed si deviat spiritualis minor a suo superiori; si vero suprema, a solo Deo, non ab homine

but the former is to be administered *for* the Church but the latter *by* the Church; the former by the hands of the priest; the latter by the hands of kings and of soldiers, but at the will and sufferance of the priest.

However, one sword ought to be subordinated to the other and temporal authority, subjected to spiritual power. For since the Apostle said: 'There is no power except from God and the things that are, are ordained of God' (Rom. XIII, 1-2), but they would not be ordained if one sword were not subordinated to the other and if the inferior one, as it were, were not led upwards by the other.

For, according to the Blessed Dionysius, it is a law of the divinity that the lowest things reach the highest place by intermediaries. Then, according to the order of the universe, all things are not led back to order equally and immediately, but the lowest by the intermediary, and the inferior by the superior. Hence we must recognize the more clearly that spiritual power surpasses in dignity and in nobility any temporal power whatever, as spiritual things surpass the temporal. This we see very clearly also by the payment, benediction, and consecration of the tithes, by the acceptance of power itself and by the government even of things. For with truth as our witness, it belongs to spiritual power to establish the terrestrial power and to pass judgment if it has not been good. Thus is accomplished the prophecy of Jeremias concerning the Church and the ecclesiastical power: 'Behold to-day I have placed you over nations, and over kingdoms' and the

poterit judicari, testante Apostolo: Spiritualis homo judicat omnia, ipse autem a nemine judicatur. Est autem haec auctoritas (etsi data sit homini et exerceatur per hominem) non humana, sed potius divina, ore divino Petro data, sibique suisque successoribus in ipso quem confessus fuit petra firmata, dicente Domino ipsi Petro: Quodcumque ligaveris, etc. Quicumque igitur huic potestati a Deo sic ordinatae resistit, nisi duo (sicut Manichaeus) fingat esse principia, quod falsum est et haereticum judicamus: quia, testante Moyse, non in principiis sed in principio coelum Deus creavit et terram. Porro subesse Romano Pontifici omni humanae creaturae declaramus, dicimus, et diffinimus omnino esse de necessitate salutis.[1]

rest. Therefore, if the terrestrial power err, it will be judged by the spiritual power; but if a minor spiritual power err, it will be judged by a superior spiritual power; but if the highest power of all err, it can be judged only by God, and not by man, according to the testimony of the Apostle: 'The spiritual man judgeth of all things and he himself is judged by no man' (I. Cor. II, 15). This authority, however, (though it has been given to man and is exercised by man), is not human but rather divine, granted to Peter by a divine word and reaffirmed to him (Peter) and his successors by the One Whom Peter confessed, the Lord saying to Peter himself, 'Whatsoever you shall bind on earth, shall be bound also in Heaven' etc., (Matt. XVI, 19). Therefore whoever resists this power thus ordained by God, resists the ordinance of God (Rom. XIII, 2), unless he invent like Manicheus two beginnings, which is false and judged by us heretical, since according to the testimony of Moses, it is not in the beginnings but in the beginning that God created heaven and earth (Gen. I, 1). Furthermore, we declare, we proclaim, we define that it is absolutely necessary for salvation that every human creature be subject to the Roman Pontiff."

Innocent III, "the most distinguished Mediaeval Pope," knew how to exercise most successfully in his relations with the Empire and the other States, the rights connected with the position of judge, *occasione peccati,* but Boniface VIII was the out-standing pontiff, who had the occasion, more than any other of fixing them

[1] Text, cf. Mury, *Revue des Questions Historiques,* t. XXVI, p. 104, Paris, 1879; cf. *Corpus Juris Canonici Extravagantes Communes,* lib. I, tit. VIII, "De majoritate et obedientia," cap. I, p. 1245, ed. (Friedberg II).

authoritatively; this he did in the Bull *Unam sanctam.* Boniface believed himself to be the successor to all the rights exercised by Innocent III. He believed that everything which the Roman Empire then possessed in honor and prestige, in dignity and in position, it owed to the grace and favor of the Apostolic Chair from which the Roman emperors and kings received the power of the sword. He believed, too, that the papal power is placed above kings and kingdoms, and that the disposal, concerning the extent of the Empire, lies within the papal power, since the individual constituents of the Empire have come to it by the authority of the Church; for this reason then, the Apostolic Chair is authorized to sever these constituents from the Empire and to take them back, since they are within the right and possession of the Roman Church. Moreover, if the emperor should act against the advantage of the Church, the Pope is at liberty to divest him of his dignity, as he might do in the case of any other secular prince, for he is his vassal and subject.[2] In the mind of the pontiff, there is not the least hesitation of his competency, nor of his exclusive right to judge between the Christian nations when the question of sin appears in the disputed matter; only reasons of prudence can suspend or defer the exercise of this right.

It is well to recall here the principles regarding Church and State, some of which have already been noted. The supernatural origin of the Church, its constitution and its hierarchy, which descend immediately from Jesus Christ, differentiate it radically from the states and civil empires. The Church and State are societies, diverse in origin by nature and by law, and no human force will ever confound what God has rendered distinct. But while the Church and Empire are distinct powers, each having a distinct object and end, yet they are co-existent. This co-existence implies neither confusion nor absorption, but rather the concord and reciprocal friendship of the two.[3]

Though distinct in end and office, yet it does not follow that Church and State exist as strangers. For such a condition would weaken and enfeeble both the one and the other; on the contrary,

[2] Cf. Hauck, *Kirchengeschichte Deutschlands,* vol. V, I. Heft, p. 463, Leipzig, 1887-1902.

[3] Cf. Audisio, *Droit public de L'Église,* vol. I, pp. 306 ff.

there should exist between them a mutual support. For it is in the judicial existence of the two, that the peace and liberty of Christian nations reside. In case of conflict between the laws, i. e., if human law comes to oppose conscience and God, then the inferior law cedes to the superior, for all law coming from God destroys itself in turning against God. He, therefore, who would formulate the theory that the State alone has the right to command, formulates tyranny in its highest expression and pronounces his own condemnation.

As noted in the previous chapter, Philip the Fair struck by the Bulls of Boniface VIII sought to defend himself by spreading false Bulls and thus exciting French nationalism in representing the Pope as a person occupied with the purely temporal affairs of France. The Roman Pontificate was in the painful condition of possessing doctrinal truth and teaching it, without being able to give it the necessary strength and the practical value to break the source of fraud and the obstacles of force.[4] Philip the Fair's object was to inaugurate a purely political policy to the total disregard of papal control even *ratione peccati.* But now Boniface VIII enunciated his final word against the policy of Philip in the Bull *Unam sanctam.*[5]

The Bull *Unam sanctam,* so called from its opening words, is an expository document on the relation between Church and State, between the spiritual power and the temporal power, its line of argument being based on the words of Jeremias: "Behold I have set thee over kingdoms and empires." In content "it differentiates

[4] Cf. Gemelli, Art. "La Doctrine et L'Unité Sociale au Moyen Age," *Revue de Philosophie,* pp. 15 ff.

[5] Cf. *Les Registres de Boniface VIII,* vol. III, pp. 888 ff; cf. *Corpus juris canonici, Extravag. Commun.,* lib. 1, tit. VIII, (Friedberg II), p. 1245; cf. Dupuy, *Preuves du Différend,* p. 54 ff; cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1302, no. 13. The Original of the Bull is not in existence but the oldest text is found in the *Registers of Boniface VIII.* Cf. Damberger, *Geschichte der Kirche und der Welt in Mittelalter,* XII, Regensburg, 1851; cf. Mury, "La Bulle Unam Sanctam," *Revue des Questions Historiques,* 1879, vol. XXVI, pp. 91-130, Paris, 1879. Both have maintained the non-authenticity of the Bull but the latter has made a retractation; cf. *Revue des Questions Historiques,* 1889, vol. XLVI, pp. 253-257, since he himself has found the Bull in the *Registers of Boniface VIII.*

between the fundamental principles concerning the Roman primacy and the declarations as to the application of those to the secular power and its representatives." In this Bull, Boniface designedly gives expression to the teachings of theologians such as St. Bernard, Hugo of St. Victor, Alexander of Hales, the great Franciscan doctor, and St. Thomas Aquinas, one of the greatest authorities on the relations between Church and State, of which this Bull, as well as the other Bulls of Boniface, treats in particular.[6] In the history of the struggle between Boniface VIII and Philip the Fair, the Bull *Unam sanctam* has played an important rôle in view of the repeated attempts made by the adversaries of the papacy, to weaken and even deny the authority of the Holy See; it is necessary, therefore, for the correct understanding of its importance and influence to review and discuss the principles and the interpretations of this "oft-quoted and much-criticized Bull."

1. The Bull *Unam sanctam* emphasizes the unity of the Church: "Faith obliges us to confess and to believe one, holy, catholic, and apostolic Church, and as for us, we firmly believe and simply confess this Church outside of which there is neither salvation nor the remission of sins: *Unam sanctam Ecclesiam catholicam, et ipsam apostolicam, urgente fide, credere cogimur et tenere. Nosque hanc firmiter credimus, et simpliciter confitemur, extra quam nec salus est, nec remissio peccatorum.*

2. This Church has only one body and one head, not two like a monster. *Igitur Ecclesiae unius et unicae unum corpus, unum caput, non duo capita, quasi monstrum.* Jesus Christ is this Head, represented by His Vicar, the successor of St. Peter; those then who claim that they are not to be in submission to the successor of St. Peter must confess that they do not form a part of the flock of Jesus Christ: *fateantur necesse est de ovibus Christi non esse.*[7]

3. After having explained by means of comparisons drawn from the Bible, that the Church is one and can have only one head, Boniface used the famous metaphor of the two swords which St. Bernard seems to have borrowed from Geoffrey of Vendôme (1115) and which he rendered popular in a passage of his work, *De Con-*

[6] Cf. Alzog, *Universal Church History*, vol. II, p. 625.
[7] Cf. Audisio, *Droit public de L'Église*, vol. II, p. 238.

sideratione.[8] This doctrine regarding the two swords is called in modern legal history the Papal Sword Theory and is by no means original with Boniface as some would assert. It had been utilized since the period of Gregory VII. Mediaeval linguistic usage has identified our modern word "power" with the word "sword" whereby the terms, spiritual and temporal sword, *gladius spiritualis et temporalis* were used with reference to the ecclesiastical power and the secular power respectively. Furthermore, this teaching regarding the two powers had been professed even at Paris by Alexander of Hales and St. Thomas Aquinas, hence Philip the Fair and those theologians who taxed it as a novelty only proved their ignorance or insincerity in this matter.

The Bull states that under the control of the Church there are two swords, i. e., two powers, the spiritual and the temporal. These swords are both in the hands of the Church, the first is to be drawn by the Church itself through the hand of the pontiff, the second by the hand of the kings and soldiers but under the direction of the priest: *ad nutum et patientiam sacerdotis. Uterque ergo est in potestate Ecclesiae, spiritualis scilicet gladius, et materialis. Sed is quidem pro Ecclesia, ille vero ab Ecclesia exercendus. Ille sacerdotis, is manu regum et militum, sed ad nutum et patientiam sacerdotis.* This is what scandalized the Gallicans. But it is certain that the sword of the Catholic prince should allow itself to be directed by the law of Christianity. The material sword and the spiritual sword are then in the hands of the Church and the usage of the material sword on the part of the State, to be moral, constitutes a moral problem and no moral problem can escape the control of the Church *judex de peccato.* Naturally then, all that

[8] Cf. St. Bernard, *De Consideratione,* Book IV, cap. III, p. 379. *Aggredere eos (Romanos contumaces) sed verbo non ferro. Quid te denuo usurpare gladium tentes, quem semel jussus es ponere in vaginam? Quem tamen qui tuum negat, non satis mihi videtur attendere verbum Domini dicentis sic: Converte gladium tuum in vaginam. Tuus ergo et ipse, tuo forsitan nutu, etsi non tua manu evaginandus. Alioquin si nullo modo ad te pertineret et is, dicentibus apostolis: Ecce gladii duo hic, non respondisset Dominus: Satis est; satis est, sed nimis est. Uterque ergo Ecclesiae, et spiritualis scilicet gladius et materialis, sed is quidem pro Ecclesia ille vero et ab Ecclesia exerendus; ille sacerdotis, is militis manu, sed sane ad nutum sacerdotis et jussum imperatoris, et de hoc alias egimus.*

constitutes a moral problem must be officially submitted to the Church and it is not necessary even that the Church always intervene; but the Church has the faculty of intervention according to opportune and prudent reasons. Boniface VIII, in defending these ideas against Philip the Fair at the same time protected the rights and performed the duties of the Holy See, for the Church alone has the right of intervention in public affairs, since she is the sovereign judge of moral life, which trust has been confided to her by our Divine Redeemer. The opposition of Philip the Fair attacked the integrity of Christianity and prepared the way for an absolute monarchy.[9]

4. These two powers, being distinct by the sphere in which they move, by the office which they have to fulfill, and by the end towards which they tend, must be subordinated one to the other, that is to say, the temporal power must submit to the spiritual: *Oportet autem gladium esse sub gladio; et temporalem auctoritatem spirituali subjici potestati.* Since according to the words of the Apostle Paul: "There is no power but from God and those powers that are, are ordained of God." Now they will be well ordained, if one of the two swords submit to the other, and as an inferior, is led to the execution of the sovereign will because in virtue of the laws of the universe, all things are subordinated one to the other and reduced to order by a continual gradation. But since the spiritual power surpasses in nobility and dignity all temporal power, then it is clear and certain that spiritual things are above temporal things: from whence it follows, that the temporal power, inferior in its end, is subordinated to the spiritual power, superior in its end, as the body is subject to the soul. *Nam cum dicat Apostolus: Non est potestas nisi a Deo; quae autem sunt, a Deo ordinatae sunt: non autem ordinatae essent, nisi gladius esset sub gladio, et tanquam inferior reduceretur per alium in suprema. Nam secundum beatum Dionysium, lex divinitatis est infima per media in suprema reduci. Non ergo secundum ordinem universi omnia aeque ac immediate, sed infima per media, et inferiora per superiora, ad ordinem reducuntur. Spiritualem autem et digni-*

[9] Cf. Gemelli, Art. "La Doctrine et L'Unité Sociale au Moyen Age," *Revue de Philosophie*, p. 18.

tate et nobilitate terrenam quamlibet praecellere potestatem oportet tanto clarius nos fateri, quanto spiritualia temporalia antecedunt. Such is the sublime hierarchy of kings and consequently of powers; all are coördinated in this life and this unity ends in God. But the fundamental and obvious point of this theory is that the celestial spheres and all the different beings in their subordination and their harmony are co-existent, yet each retains its own life and movement, thus it is with the Church and State.

5. In the assemblage of Christian nations, the supreme judgment in point of ethics, resides in the Church and in a more concrete manner in the Holy See, not that the supreme ecclesiastical authority can dispose of the State at pleasure, but if the State be devoid of the ethical, then the Church can render its life and its acts null and void.[10] The words of Christ to Peter give the fundamental reason for these laws: "Whatsoever thou shall bind upon earth, shall be bound also in Heaven." Boniface VIII himself, stressed this doctrine when he wrote the famous words: *Nam veritate testante, spiritualis potestas terrenam potestatem instituere habet et judicare si bona non fuerit.* This clause is of capital importance. It seems to have been borrowed by Boniface VIII from Hugh of St. Victor[11] or from Alexander of Hales.[12] The latter repeats it thus: *Quanto vita spiritualis dignior est quam terrena et spiritus quam corpus, tanto spiritualis potestas terrenam sive saecularem honore ac dignitate praecedit. Nam spiritualis potestas terrenam potestatem et instituere habet Ut Sit, et judicare habet si bona non fuerit.* It is probable that the above phrase of the Bull *Unam sanctam* depends on this phrase. The word *instituere* has been variously translated but the context of the Bull seems to indicate that Boniface intended the word in the sense of *to instruct, to direct.* The spiritual power, however, does not limit itself to instruction but under certain conditions it claims the right to suspend or even to dispossess the temporal power, all this of

[10] Cf. Ibid., pp. 16 ff.

[11] Cf. Hugonis de S. Victoire, *De Sacramentis* in Migne, *Patrologia Latina*, CLXXVI, lib. II, pars II, *De Unitate Ecclesiae*, cap. IV, col. 418, Paris, 1854.

[12] Cf. *Summa Theologiae*, IV, q. X, m. V, a 2, quoted by Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 429.

course being understood in the sense in which it has been previously mentioned, i. e., always retaining the idea that the intervention of the Church is determined by its relations with public affairs *occasione peccati.*

In reviewing Berchtold's work "Die Bulle Unam Sanctam," Grauert,[13] says: "Considered *in se,* those sentences of the Bull referring to the papal power or jurisdiction could be interpreted in the sense of a general *potestas directa* of the Church and of the papacy over a purely secular domain. The development, through which the doctrine of the relationship between the ecclesiastical power and the secular power has passed, scarcely leaves undoubted the fact, that during the Middle Ages the Popes have claimed only a jurisdiction over temporal affairs *ratione peccati,* a *potestas indirecta in temporalia regum* to use the expression which has become common since the time of Bellarmine.

As early as the fifth century, Pope Gelasius I (492-496) defends a certain superiority of the spiritual power over the secular. In 494 he writes to the Eastern Emperor Anastasius: *Duo quippe sunt, imperator auguste, quibus principaliter mundus hic regitur: auctoritas sacrata pontificum et regalis potestas. In quibus tanto gravius est pondus sacerdotum, quanto etiam pro ipsis regibus hominum in divino reddituri sunt examine rationem,* thereby admitting for the pontiffs a responsibility in the last judgment for the action of the kings; so in this manner, he naturally concedes to the spiritual power also a certain jurisdiction over the temporal rulers which cannot pertain solely to purely spiritual things. Likewise in Tract IV (*De anathematis vinculo*) he formulated in a distinct and definite manner, the separation of the two powers, i. e., of the spiritual and the temporal. In this tract, he says:—*Sed quum ad verum ventum est* (*scil. Christum*) *eundem regem atque pontificem, ultra sibi nec imperator pontificis nomen imposuit, nec pontifex regale fastigium vindicavit . . . quoniam Christus . . . sic actionibus propriis dignitatibusque distinctis officia potestatis utriusque discrevit, . . . ut et Christiani imperatores pro aeterna vita pontificibus indigerent et pontifices pro temporalium cursu rerum*

[13] Cf. Grauert, "Berchtold, Die Bulle Unam Sanctam," *Historisches Jahrbuch,* Band IX, 1 Heft, pp. 138 ff., Munich, 1888.

imperialibus dispositionibus uterentur; quatenus spiritalis actio a carnalibus distaret incursibus et Deo militans minime se negotiis saecularibus implicaret ac vicissim non ille rebus divinis praesidere videretur, qui esset negotiis saecularibus implicatus: ut et modestia utriusque ordinis curaretur, ne extolleretur utroque suffultus.

Both pronouncements were later frequently repeated by the Popes and by the councils. Indeed the Popes of the eighth and ninth centuries emphasized the separation of the two powers; Pope St. Gregory II (715-731) eloquently expressed this doctrine to the Emperor Leo and Pope St. Nicholas I (858-867) used the exact words of Gelasius in a scholarly writing to the Byzantine Emperor, Michael III. Repeatedly, the Popes have declared that they did not intend to treat the power of the state as a papal fief but merely considered themselves entitled to exercise their jurisdiction *ratione peccati* in temporal matters. Innocent III was an exponent of this doctrine, but especially did Boniface VIII stress it in his conflict with Philip the Fair of France which forms the subject matter of our present discussion; the opposition which he encountered in promulgating this doctrine was largely subjective.

6. In this Bull, Boniface VIII rejects the idea that the Church and the State are both supreme and entirely independent; he terms this a Manichean Heresy, for the Manicheans have denied the doctrine of the Unity of God and have accepted two supreme world-principles. The Pope says that he who places on an equal basis the spiritual power and the temporal power assumes, so to speak, two supreme powers and annihilates thereby the unity and individuality of the supreme ecclesiastical papal power and lapses into a Manichean dualism. Such a dualism is absurd and offensive since the *potestas spiritualis* has the duty of guiding and directing the *potestas saecularis*. If a secular ruler were to offer resistance to ecclesiastical authority by referring to his alleged independence, he commits an injustice and deserves punishment. *Quicumque igitur huic potestati a Deo sic ordinatae resistit, nisi duo (sicut Manichaeus) fingat esse principia, quod falsum est et haereticum judicamus: quia, testante Moyse, non in principiis, sed in principio coelum Deus creavit et terram.* Boniface presupposes in his Constitution only the Catholic Church united under the visible Head, the Pope; nothing was farther from him than to admit besides

this Church a plurality of other Churches or beliefs; he could not be satisfied with an abstraction of the Christian fundamental dogmas. It is true that the error of the Manicheans, stating that there are two principles, one bad and one good, is called heretical by the Pope in this Bull; but this is said *obiter et incidenter* and is no dogmatic decision, which indeed was unnecessary, since the Manichean error had been condemned long before.

7. The final sentence of the Bull *Unam sanctam,* which has given rise to unending comment and contention, is the most important and momentous statement of the entire Bull. It reads thus: *Porro subesse Romano Pontifici omni humanae creaturae declaramus, dicimus, et diffinimus omnino esse de necessitate salutis.* Indeed the dogmatic character of the Bull *Unam sanctam* has become the subject of the most violent and vehement discussion among leading theologians, both Catholic and Protestant, hence it is well to consider the views of some theologians on this point. The Protestant Berchtold and some others maintain that the entire Bull is dogmatic in character, and tantamount to a definition, but this view is generally rejected as false. In dogmatic decisions of the Pope, it is necessary to distinguish between the definition of the dogma and the reasons and explanations added to it. Infallibility can only belong to the actual definition. The intention of binding all the faithful in virtue of the office of supreme teacher must be expressly stated. The Pope takes great care that the *doctrina tenenda* be clearly expressed for every one. Non-Catholics only too frequently cite, quite arbitrarily, sentences from papal letters and even briefs, and use them as final definitions, whereas no definition was ever intended by the ecclesiastical authority under the circumstances.

Grauert claims that he cannot subscribe to the assertion of Berchtold, when he claims for the entire wording of the Bull *Unam sanctam* the character of a dogmatic definition. He, in conjunction with eminent theologians and canonists, considers the Bull as a constitution, issued *ad perpetuam rei memoriam,* in which constitution the purely juristic element, the legislative act, subject to change is to be distinguished from the dogmatic definition. An undoubtedly official, solemn juristic deduction and argumentation

is followed by a concluding sentence which alone is raised to the dignity of a dogmatic decision.

The accumulation of the verbs pronouncing the intention of definition: *declaramus, dicimus, diffinimus* distinguishes this very concluding sentence in a very marked manner from the preceding deducting text. In this last sentence, the Pope develops entirely in the sense of the canonistic doctrine of his time, the super-ordination of the ecclesiastical power over the temporal power and indeed he uses here expressions which considered *in se* could well be interpreted in the sense of a *potestas directa in temporalia regum* which, however, in view of other pronouncements of the Pope may only be interpreted in the sense of a *potestas indirecta.* A dogmatic character however, cannot be ascribed to the preceding deduction. The words: *omni humanae creaturae* of the last sentence of this Bull, have been much disputed as to their literal sense, but the generally accepted translation of the concluding sentence declares that all creatures, meaning the faithful, who hope for salvation must submit to the Roman Pope. This dogmatic concluding sentence does not state what kind of subordination this must be, but according to the opinion of the Pope, it concerns the individual who by Baptism enters into the communion of the Church.[14]

Philip had a refutation of the Bull prepared by the Dominican, John of Paris in his *Tractatus de potestate regia et papali.* Later Clement V, urged by the King of France, declared in the Brief *Meruit* (February 1, 1306) that the Bull *Unam sanctam* did not bear any prejudice to the King of France, to his kingdom or to his subjects *(nullum volumus, vel intendimus praejudicium generari)* and that their submission was not altered by the promulgation of the Bull. In this way Clement V gave France and its ruler "a guarantee of security from the ecclesiasto-political results elaborated in the Bull." The Brief *Meruit* did not repeal the Bull *Unam sanctam* nor impair its dogmatic decision as some have inferred; it was simply intended to give satisfaction to the King of France. It substituted for the disputed words *omni humanae creaturae,* the words *omnes Christi fidelis.* The Clementine Brief *Meruit* is not

[14] Cf. Ibid., p. 143.

of course an *ex-cathedra* pronouncement. Leo X confirmed the Bull *Unam sanctam* at the Ecumenical Council of the Lateran (1516) *sine praejudicio declarationis Meruit.* This Council also stated that only the concluding sentence of the Bull on the necessity of giving due obedience to the Pope, could be considered as a dogmatic decision and to this sentence alone does the Council refer.

After the publication of the Bull *Unam sanctam,* the shadow of Boniface fell like a spectre on France. The French people hated his person but they feared his authority. Believing that their national independence was threatened by him, their anger was inflamed to such a degree that they styled him an enemy of the French name, *nominis Gallici hostis.* The Gallicans in their opposition to the Holy See and the enemies of papal infallibility have, in maintaining their contention, used this Bull against Boniface VIII, but its content far from justifies this usage. The King of France himself, being powerless to discuss the Bull, answered it later by the violence at Anagni.

The Ultimatum of Cardinal John Lemoine.

The conflict presently passed "from the domain of principle to a direct attack on the person of Boniface." Philip sent the Count of St. Pol and Monsignor Mouche to Boniface announcing that he no longer recognized him as arbiter in his dispute with England; perhaps he already meditated violence for it was in the castle of Staggia which had been given by the King of the Romans to a brother of Mouche that the expedition directed against Boniface at Anagni was organized.[15] Boniface himself sincerely desired peace, and did not despair of leading Philip by reason to a better course, therefore, shortly after the publication of the Bull, *Unam sanctam,* he sent John Lemoine, Cardinal of the title of Saints Marcellinus and Peter, accompanied by Charles of Valois and the Bishop of Auxerre, to France to negotiate with Philip. Lemoine was a personal friend of the king and was noted for his deference and discretion, hence he was eminently fitted to deal with this prince who had treated a former ambassador with contempt and cruelty. He

[15] Cf. Boutaric, *La France sous Philippe le Bel,* p. 107.

was empowered by the Pope to release the king (if he desired it) from traditional excommunication which he had incurred *ipso facto* by having hindered the French prelates from going to Rome.

Cardinal Lemoine, though charged with a mission of peace, was also directed to insist on the rights of the papacy and was ordered to present twelve grievances to the king; if he obtained satisfaction on these points, peace would ensue, but if the king failed to make amends, the envoy was to tell him that the Holy See would proceed against him both spiritually and temporally. According to Hefele Leclercq.[16] the ultimatum presented by Cardinal Lemoine contained the following conditions of peace:—

1. The king shall recall his prohibition, direct or indirect, against the French prelates and doctors going to Rome to attend the synod convened by the Pope, all confiscations of their property made in this regard shall be annulled.

2. The supreme right of the Pope in the collation of ecclesiastical benefices within or without the Roman Curia must be recognized, and no one can bestow a benefice without the tacit or express permission of the Holy See.

3. The king shall declare that the Pope can send nuncios and legates into any country without the permission of any one.

4. In spite of contrary usage and customs, the administration of ecclesiastical goods shall be in the hands of ecclesiastics and not laymen: the supreme administration and dispensation of them rest with the Apostolic See which, with a certain necessary consent, can dispose of them and impose taxes on them.

5. The king and other princes are forbidden to seize ecclesiastical goods and rights except those conceded by right or granted by the Holy See: the king is forbidden to summon before his own tribunal ecclesiastical persons by reason of property or rights, when they are not held in fief.

6. Since King Philip did not prevent the burning (in his presence and in that of a number of officials) of a Bull and a letter ornamented with the seal of the Apostles Peter and Paul, he must send to the Pope a procurator with sufficient power to prove his innocence or accept a penance.

[16] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 432.

7. The king must not abuse the rights of regalia which he has for the protection of vacant cathedrals, also he must not cut down the forests, and he must keep the surplus revenue of a vacant see for the future bishop.

8. The king shall restore to the prelates and especially to the monasteries, over which he has the right of custody, the use of the spiritual sword and free jurisdiction, no matter what privileges have been granted to the king and his ministers.

9. The king, having twice falsified the coinage of the realm to the prejudice of the churches, of the clergy and of the laity, will be obliged to make restitution and amends.

10. The king shall give satisfaction for other abuses indicated in the letter of which James de Normans has been the bearer.

11. The city of Lyons does not belong to France; it is not the king but the Archbishop who is the lord of it; the offenses offered to the Archbishop, the clerics, and their vassals must be repaired.

12. If within the time agreed upon by his brother Charles and his ambassadors, the king does not amend regarding the points specified, the Pope shall proceed *spiritualiter et temporaliter*.[17]

Philip the Fair hesitated. His administration had been somewhat disabled since the death of his chancellor, Peter Flotte, in July, 1302, until Williaim de Nogaret, in February, 1303, became his intimate counsellor. In December, 1302, he again ordered the prelates and the barons to meet in February, 1303, in order that he might consult them concerning the preservation and independence of the kingdom. It was about this time that Cardinal Lemoine, escorted by the Bishop of Auxerre and Charles of Valois arrived at Paris and produced the papal ultimatum.

With his usual dexterity and dissimulation, the king soon addressed a reply to these twelve articles to prove that he was in the right in all these points. His replies ran thus:—

1. It was neither from a lack of respect for the Church nor for the clergy that he had forbidden the prelates to go to Rome, but he

[17] Cf. Dupuy, *Preuves du différend*, p. 89; cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1303, no. 34.

did it on account of the revolutions in Flanders, and in order to remedy the conspiracies which had arisen in his kingdom.

2. Regarding the collation of benefices, he made use only of the rights which Louis IX and his predecessors had employed before him.

3. He granted a free entry to papal nuncios and legates so long as they were not "suspects" and there were no other just reasons for preventing them.

4. As to the administration of goods and revenues of the Church, he abided by the usual rights and customs.

5. He cited the clergy before the secular tribunals only in lawful cases and in instances in which his predecessors had acted in a like manner.

6. A Bull had been burned at Laon by order of the aldermen of the city, in order that this Bull might not be used against them. (Philip seemed to have misunderstood the reference of the Pope regarding the burning of the Bull, *Ausculta fili,* for his reply relates to a Bull concerning the city of Laon.)

7. With respect to the exercise of the right of regalia, he followed the example of Louis IX and his predecessors. When his people had gone too far, he had punished them.

8. He promised not to prevent the clergy from exercising their jurisdiction according to right and custom.

9. He had falsified the coinage of the realm only for the defence of his kingdom and at the request of his subjects; he had already taken measures to make satisfaction.

10. If his people have committed any injustice, it will be repaired.

11. The king deplores the vexations endured by the Church of Lyons, but if the Archbishop had suffered in any way, it was his own fault, because he refused to swear fidelity to the king; still the latter was about to negotiate with him concerning the disputed rights, in order that every one may know, that he, content within the limits of his own power, respects those of the Church.

12. The king sincerely desires to preserve the union between his kingdom and the Roman See, but the Pope, also should con-

sider it and permit no encroachments. If the Pope be not satisfied with these replies, he would be willing to abide by the decisions of the Dukes of Burgundy and Brittany, who had been proposed as arbiters by the Pope himself (August, 1302).[18]

Although the Gallicans have praised the moderation of the reply of Philip, yet it contains "as little sincerity as condescension." Boniface examined it and discussed the answers in the presence of distinguished legates and jurists, only to find that Philip had shifted his responsibility and had been lacking in honesty. Some of his replies were vague, evasive and elastic; and embarrassing questions had been purposely eluded by him. On April 13, 1303, the Pope sent letters to John Lemoine, Charles of Valois, and the Bishop of Auxerre, stating that the king's replies were obscure, derisive, filled with reservations, and contrary to truth and justice. He urged Cardinal Lemoine to ask the king to clarify them. In order to manifest the purity of his intention, he decided to have recourse to the Dukes of Brittany and Burgundy as arbiters, according as his own honor and that of the Holy See would permit. The letters of April 13, written by Boniface to the above-mentioned dukes were borne into France by Nicholas Benefratte, the Archdeacon of Constance; Boniface also wrote another letter to the Cardinal-legate, John Lemoine, ordering him to show Philip the gravity of the situation and to tell him that if he did not modify his reply the Pope would proceed against him *spiritualiter et temporaliter*.[19] Nicholas Benefratte also bore two other Bulls, one decreed against all those who had hindered the clergy from going to Rome and another convoking all the French prelates to Rome within three months.[20]

Philip dreamed not of a reconciliation with Boniface, but rather of a tragic solution of these difficulties, for the documents borne by Nicholas Benefratte were not even published when Paris had

[18] Cf. Dupuy, *Preuves du différend*, pp. 89 ff; cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 434 ff; cf. Drumann, *Geschichte Bonifacius VIII*, part II, pp. 64 ff.

[19] Cf. *Preuves du différend*, p. 95; cf. Baronius-Raynaldi, *Annal eccles.* ad ann. 1303, no. 34.

[20] Cf. Dupuy, Ibid., pp. 98 ff; cf. Drumann, *Geschichte Bonifacius VIII*, part II, pp. 72 ff.

decided upon the downfall of the Pope. Already the Colonna, the sworn enemies of Boniface, had placed at the king's disposal their profound knowledge of Italian intrigues. The king with Nogaret and his confidants had formed an unparalleled project, i. e., to surprise Boniface, to oblige him to abdicate, and, if he refused to do so, to lead him to Lyons there to be judged by a council, which would declare him a heretic, a simoniac, and therefore a false Pope. The astonishing audacity of this plan is only surpassed by the boldness of the execution of it. Nogaret was the intriguer who was chosen to bring it to completion. His legal hatred of ecclesiastical jurisdiction, his love for an absolute monarchy, the old blood of the Paterini which coursed in his veins made him accept a commission, the very idea of which his predecessors in office would hardly have dared to conceive.

The execution of the plan was begun in February, 1303, when Mouchet qualified as *Miles* like Nogaret with Thierri d'Hiricon, and James de Gesserin, qualified as *Magistri* were given as companions to Nogaret. The first of these personages was well known, he was a Florentine whose real name was Musciatto; in French documents he is called "Monsignor Mouche" or "Mouchet." He was a member of the great school of Florentine bankers, political agents of the French administration. In October, 1302, Philip had already charged Mouchet with an important mission to Rome. The patent letters which conferred on Nogaret, Mouchet, d'Hiricon, and Gesserin the unheard-of mission of seizing Boniface and of forcing him to appear before a tribunal which was to judge him are dated March 7, 1303. Without opposition Nogaret had just placed his project regarding the defamation of Boniface before the court of France. The powers which were attributed to the commissioners were designedly couched by the king in vague terms; thus he declared that he sent them *ad certas partes pro quibusdam nostris negotiis.* Each and all of them were invested with the right "to treat in the name of the king with every noble person, ecclesiastic or layman, for every league or pact of mutual assistance, in men or in money, which they judge pertinent." [21] It is not at all uncertain that the king knew from that moment,

[21] Cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, p. 156.

what these commissioners were going to do and what means they were going to employ to accomplish their purpose. The plan of campaign conceived and the commissioners named, they proceeded to legal forms.

The Assemblies at the Louvre

Five days later on March 12, 1303, Philip held an assembly at the Louvre. Present at it were the Archbishops of Nicosia in Cyprus, Sens, Rheims, Tours, Narbonne; twenty-one bishops, among whom were the Bishops of Meaux, Nevers, and Auxerre, the Counts of Valois and Évreux, the Duke of Burgundy, John of Chalôns, John of Dampierre, the constable of France, and several other Lords, together with the king and William de Nogaret, the venerable professor of law. Eleven abbots were also present, among whom were those of Cluny, Premontré, and Cîteaux. This was not an assembly of the States General, as some have erroneously believed, but rather a meeting of the nobles and the clergy, for Philip knew that if he had their concurrence, he could easily claim that of the third estate. The normal and ordinary purpose of such a council would be to take measures for the safety of the kingdom, to obtain money or to submit matters for deliberation, but its present purpose was to judge Boniface, to wrest from his hands the holy keys, for "he was in contempt of all laws since he had dishonored the Holy See by his crimes." The acts of this assembly were decided in advance; it only remained to falsely justify the accusations against Boniface.

After the assembly had been constituted, William de Nogaret, qualified, *Miles et legum professor venerabilis* advanced and read a petition, a copy of which he placed in the king's hands. As soon as he spoke, his audience recognized him as the author of the Memoir against de Saisset. It began, according to custom, with a text from Holy Scripture, and Nogaret designedly borrowed his text from the Epistle of St. Peter. He spoke thus: "The prince of the Apostles, has written: *Fuerunt pseudo prophetae in populo, sicut et in vobis erunt magistri mendaces.* This prophecy is accomplished because we see a master of falsehood, a malefactor, and a manifest heretic named Boniface seated in the chair of St. Peter.

He calls himself master, judge, and lord of all men, but he has usurped his place, because the Roman Church was legitimately united to Celestine when he committed the sin of adultery with her. And I, who am only a donkey, I shall denounce Balaam, this false prophet, and I shall request you, very excellent Prince, Lord Philip, by the grace of God, King of France, to flash before his eyes the light of your sword, as did the angel whom Balaam met on his way. I claim that the individual in question, named Boniface, is not a Pope, he did not enter by the gate, *non intravit per ostium,* he is a thief. I claim that the said Boniface is a horrible simoniac, such as never has been since the beginning of the world, and that he has blasphemed in saying that he could not commit simony, even if he would. I claim also that the said Boniface has committed manifest and enormous crimes infinite in numbers, and that he is incorrigible; he ruins the churches; he dissipates the estates of the poor; he scorns the humble; he has a greed for gold, and he extorts it from everybody; he hates peace; he loves only himself. Oh, it is the abomination of the Temple that Daniel the prophet of the Lord has described! The laws, the arms and the very elements themselves ought to rise up against him. It belongs to a general council to judge and condemn him. I request you then, Sire King, to procure the convocation of such a council in which I promise to personally sustain the present accusations, after which the venerable cardinals can provide the Church with a pastor." Nogaret then proposed to imprison the Pope provisionally, and requested that the king and the cardinals establish a Vicar for the Roman Church in order to remove all occasions of schism until the election of the new Pope. And, "Sire," he continued: "You are held to this for several reasons, for the maintenance of the faith, on account of your royal dignity which imposes on you the duty of exterminating the plague stricken; because of your oath of consecration; because you have sworn to defend the church of this kingdom which a devouring wolf (*lupus rapax*) devastates; because of respect for your ancestors who would never have suffered the Roman Church to be dishonored by so shameful a concubinage.[22] The accusations were received. Could a king

[22] Cf. Ibid., pp. 157 ff.

whom the sainted Louis had held on his knees, sincerely believe that he was only following the principles of his ancestors in constituting himself as "judge of Catholicity" and comporting himself as "defender of the Church of God?"[23] During the meeting, an authentic statement of this requisition of Nogaret was drawn up by two Apostolic notaries.

Nogaret and his companions undoubtedly left Paris shortly after the Assembly of March 12. An act of this same month, dated at Paris, shows that their services were paid in advance. Meanwhile Nicholas Benefratte, who bore to Cardinal Lemoine the threats of the Pope regarding Philip, was arrested at Troyes by order of the king, despoiled of the papal letters and cast into prison. This act was the final stroke between the pontiff and the prince. Cardinal Lemoine, hearing of the dire and dreadful fate of Benefratte, desired to protest against it, but knowing the procedure to be futile, he fled from France. It is said that Philip perused the papal letters stolen from Benefratte and read his own condemnation. Benefratte vainly protested against his persecutors, and finally judged it prudent to ask for his passports. When he returned to Rome in the month of June, the king's friends were in Italy.

Boniface issued a Bull (May 31, 1303) urging the inhabitants of Lyons, Besançon, Aix, Arles, Burgundy, Lorraine, Vienne, Dauphiny, and Provence, that is to say, those provinces which formed a part of the German Empire, to break the chains of vassalage and obedience which they had accepted to the detriment of the Empire. This blow was directed against Philip the Fair, who retaliated by forming at once a defensive alliance with Wenceslaus of Bohemia, who was the declared adversary of the Pope and of Albert of Hungary; but the court of France did not stop at this; it was preparing an unforseen stroke which was being planned and plotted in the dark.

In compliance with the request of Du Plessis, Philip convoked a council of the prelates and peers on June 13 and 14, at the Louvre in Paris, at which an astonishing spectacle took place. On the thirteenth, the Counts of Évreux, Dreux and St. Pol, and Wil-

[23] Cf. Renan, Art. "Guillaume de Nogaret," *Histoire Littéraire de la France*, t. XXVII, p. 245.

liam du Plessis, a knight, (the latter was the very right arm of Nogaret), "moved by the perils which Boniface caused to the Church" renewed against him before the notables of the kingdom, both lay and ecclesiastic, who were assembled in the king's presence, the requisition of the month of March, 1303 (of which Nogaret was the author), and also the appeal to a future general council. William du Plessis now had recourse to a satanic ruse. He who was the accuser of Boniface in this assembly composed a requisition ingeniously arranged and developed with consummate sophistry. In content, it consisted of twenty-nine articles, and it is considered as one of the most violent that has ever been drafted against a Pope; the material of it was supplied by the Colonna. With his hand upon the Bible, swearing to advance only the truth, Du Plessis declared himself ready to prove all his accusations as to time and place, whereupon he asked the king "the protector of the Faith and of the Church," to work for the convocation of a general council. He had as his agents to prove the accusations, Louis, Count of Évreux, brother of the King, Guy, Count of St. Pol, and John, Count of Dreux.

Regarding a general council, William consulted the prelates who were present, they in turn asked for time for reflection. The next day, another meeting took place at which William read the twenty-nine specific charges against Boniface already mentioned. Hefele-Leclercq,[24] cites these accusations as follows:

1. He (Boniface) does not believe in the immortality of the soul; that is why he is an Epicurean.

2. He does not believe in a future life, he does not regard it as a sin to procure all kinds of enjoyment for the body, and he is not ashamed to declare that he would rather be a dog or an ass than a Frenchman.

3. He would not evidently use this language if he believed that the French have souls destined for eternal life.

4. He does not believe in the Transubstantiation of the Sacred Host to which he does not render due reverence; at the moment of the Elevation he does not raise his eyes; he ornaments his See more than the altar.

[24] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 437 ff.

5. On account of this, he is publicly defamed.

6. He would say that fornication is no more a sin than to touch one's hands; this is the general current rumor.

7. He has often repeated that he would lose the entire world and the Church in order to humiliate France.

8. He has approved an incontestably heretical work of Arnauld de Villeneuve, which was condemned by the Bishop and the Faculty of the University of Paris, and this work thus far has not been corrected in any way.

9. In order to perpetuate the accursed memory of himself, he has placed in the Churches silver images of his person, thus urging the people to idolatry.

10. He has a personal demon whose counsels he blindly follows: he said at one time that the entire world could not deceive him, and that could not evidently happen without the coöperation of the demon.

11. He consults sorcerers and witches.

12. He has declared publicly that the Pope cannot commit simony; this is an heretical proposition; he sells offices, absolutions and dispensations as one would sell merchandise.

13. He is an obstacle to peace among Christians, he has declared that those who would wish to conclude peace should have no place upon this earth, although the Son of God descended upon the earth and counselled it.

14. He treats all the French as Paterini.

15. In truth he is a sodomite.

16. He has caused several of the clergy to be executed in his presence and has rejoiced in their death. If the first blow of his servants did not cause death, he cried: "Strike! Strike!"

17. He has not allowed a noble who is in prison to receive the Sacrament of Penance; he does not regard this Sacrament as necessary. (This complaint sounds strange in the mouth of a Frenchman, because at this period, it frequently happened in France that a condemned peprson was not permitted to go to confession before execution.)

18. He has obliged the clergy to divulge the secrets of confession.

19. He has eaten meat on the days of abstinence and has authorized the people to do the same, saying that it is no sin.

20. He has oppressed the cardinals, the White Monks and the Black Monks, the Friars Minor and the Dominicans; he has often said that they are only hypocrites and the plague of the world.

21. In hatred of the Faith, he hates also the King of France, thus he said, being as yet only a cardinal, that if he became Pope, he would ruin Christianity in its entirety in order to subdue the pride of the Gallicans.

22. He has excited the Kings of England, of Germany and of Sicily against France; he has also maintained that whoever did not regard the French as dependent upon the jurisdiction of the Pope and the King of Germany, was anathema.

23. He is responsible for the loss of the Holy Land since he has put the funds applicable to this cause to other uses.

24. He is known as a heretic and a simoniac, having made money on everything.

25. He has dissolved several legitimate marriages; he has raised to the cardinalate his unworthy nephew, who was married, forcing the wife of the latter to make a vow of chastity; it is claimed that afterwards he had two children by her.

26. He has treated his predecessor, Celestine, in an abominable manner, and has caused his death. He imprisoned him and let him die in a dungeon, while several great philosophers among the monks questioned Celestine's right to abdicate.

27. To the great scandal of all, he has allowed several of the regular clergy to return to the secular state.

28. He said that he would make martyrs of all the French.

29. It is evident that he does not seek the salvation of souls, but rather their loss.

William du Plessis at the same time renewed the accusations made by Nogaret on March 12: *Non recedendo ab appellatione per dictum G. de Nogareto interposita, cui ex tunc adhaesimus ac etiam adhaeremus.* He reiterated that in making his accusations against Boniface, he was not motivated by any hatred of him and said: "It is not himself but his crimes that I hate." Then he again

supplicated the king, to whom belongs the defence of our Holy Mother the Church and the Catholic faith, and the prelates who are the pillars of faith to work for the convocation of a general council. This done, Philip the Fair, who, on March 12, 1303, had said nothing in favor of the convocation of a council, now expressed his approbation of the measure and adopted the same policy as the Colonna, whose counsels he followed.

It is certainly surprising that a simple horseman, like Du Plessis could, in the presence of the highest clergy of the kingdom, pronounce such an indictment against the Head of the Church without meeting with solemn protestations from those present. Horrified, the prelates listened to the calumnies against Boniface; in conscience they could not subscribe to them, but "cowardice crowned their infidelity" and in condescension to the king and the barons, they favored the convocation of a council "to prove," as they said, "the innocence of the Pope." They made the following declarations: "We, the Archbishops of Nicosia, of Rheims, of Sens, of Narbonne, of Tours, the Bishops of Laon, Beauvais, (to the number of 21), the Abbots of Cluny, Premontré, St. Denis, St. Victor, and St. Genevieve at Paris, Brother Hugues, Visitor of the Templars, after what we have heard, look upon the convocation of a general council as useful and immediately necessary, in order that the innocence of the Pope may be demonstrated to us, and we desire that the council express itself on the chief accusations brought against the Pope. Without being prejudicial to the respect we owe to the Holy Roman Church, we are ready to coöperate for the convocation and reunion of a general council, and if Boniface declares excommunication or suspense against us, we appeal in advance to a future council and to a future legitimate Pope." [25]

On June 15, 1303, they presented to the king the document with thirty-two seals attached. The king promised protection to the clergy and to all who espoused his cause. Of all the prelates and ecclesiastics present at this Gallican Assembly, John de Pontoise, Abbot of Cîteaux, alone refused to adhere (*solo abbate Cisterciensi excepto*) to this appeal to a general council, and he was imprisoned in Paris. The next day the court of France, wishing to strengthen

[25] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 446.

its cause still more, sent into the provinces commissaries, who were charged to collect, and if need be, to force the adhesions of the clergy, the nobility, and the cities to the convocation of a general council.

There was no opposition to the adhesions on the part of the lords nor on the part of the commons. The clergy, however, hesitated and gave evasive answers. The majority of them, in giving their adhesions, added this clause, "that they did not intend by their acquiescence to diminish in any way the honor of the Roman Church."[26] Others stated that they did not wish that the king should take advantage of the adhesion by acquiring over them a new right.[27] A curious instance, however, was that of the Provincial of the Order of Friars Preacher. He wrote from Paris to the brothers of his Order that, upon witnessing such numerous adhesions given by such high personages, he did not wish to appear singular, so he gave his and invited his brothers to follow his example.[28] There were refusals, however, for besides that of the Abbot of Cîteaux, eleven convents of the same Order refused to adhere. The Dominicans of Montpellier, Limoges and the Franciscans of Nîmes had "invincible scruples" as to their adhesions. All who refused to adhere were imprisoned. The king had the frontiers of the kingdom heavily guarded, lest any should escape the obligation of adhering by having recourse to flight.

On June 24, 1303, the Feast of St. John the Baptist, an immense crowd of laymen and ecclesiastics assembled in the garden of the royal palace of the Louvre where Bertrand of St. Denis gave a sermon in French. He took for his text the words of St. Luke: "He shall be called great before the Lord," and he applied the text first to St. John the Baptist, then to the King of France. Some monks who were present addressed the people and explained to them that the Pope desired to destroy the king and the kingdom of France, and that the king desired only the salvation of souls. They reminded the Assembly that the University of Paris and all the chapters of France adhered to the appeal to a general council.

[26] Cf. Dupuy, *Preuves du différend*, pp. 120-122.
[27] Cf. Ibid.
[28] Cf. Ibid., pp. 153-154.

They then asked the members of this Assembly if they would adhere, and they cried out *Oui! Oui!* After the accusations against Boniface were read, the king ordered the confiscation of the goods of all the prelates and of all the members of the clergy then absent from the kingdom, and published the appeal to a council. The majority bowed their heads "to this most Christian king" proclaiming the appeal to a general council and to a future Pope.

The shameful defection of the clergy can hardly be condoned, yet a Dominican friar, Bernard Guion, who was a contemporary of Philip the Fair, claimed that many of the clergy were forced to adhere *quadam quasi necessitate compulsi.*[29] Very often a prelate being erroneously informed, and not knowing what course the other members of the clergy pursued, gave his signature; and much pressure was exerted upon those who were not disposed to sign the acts. Besides the royal pressure exerted upon the clergy who refused to adhere, it is necessary to take into account the important element of heresy charged against Boniface. Nogaret was an expert in Canon and Civil Law, and in denouncing Boniface VIII as an heretical Pope, he had found the most decisive means of troubling the consciences of this period. To accuse a Pope who had been reigning for some years was an audacious proceeding, but to bring a formal charge of heresy against him was to reserve the matter for decision, in appearance at least, to the exclusive authority of the Church, and to give the appeal to a council a semblance of regularity, from a juridical point of view. Such considerations may have influenced the clergy.[30] However that may be, more than seven hundred acts of adhesion were received from the ecclesiastics of the kingdom. For the first time in the history of France, the people, high and low, appealed from the Pope to a general council and took the part of a monarch who oppressed them against a Pope who safeguarded them from tyranny. Philip, not content with the adhesions of France, sought to obtain those of the other states, and wrote, for this purpose, to

[29] Cf. Ibid., p. 108.

[30] Cf. Arquillière, "L'Appel au Concile sous Philippe le Bel et la Genèse des Théories Conciliares," *Revue des questions historiques*, t. LXXXIX, p. 43, Paris, 1911.

the barons and prelates of Navarre, Spain, Portugal, and to the cities of Italy.[31] Favorable replies came from the communities of Navarre and the bishops of Portugal.

While these voluntary or forced adhesions to the convocation of a council were being collected, some writings pertaining to the relations of the spiritual power to the temporal power were published. Some, like James of Viterbo and Egidio Colonna, or Giles of Rome, the Archbishop of Bourges, who, on account of his profound knowledge of Aristotelian philosophy merited the title of: "Doctor fundatissimus" maintained that the Pope, being the sovereign director of consciences and the supreme ordainer of human affairs, has the right to depose kings, and that the authority of the Church embraced not only the spiritual order, but the political and civil order, and that such was the plentitude of the Pope's power that it was impossible to calculate the extent of it. Others, like the Friar Minor, William of Ockam, declared on the contrary, that the authority of the king was independent of that of the Pope, and that in paying the tribute to Caesar, Christ had shown that he claimed neither for Himself nor for His Vicar any temporal power whatever, and that the ecclesiastical hierarchy, being occupied solely with the salvation of souls, should abandon to the princes questions of peace and war and of administration of the states. Others, like the Dominican, John of Paris, contended that the pontificate was above the kingship, but this was only an honorary superiority under the keeping of which, the two powers, independent one of the other, ought to unite in the interests of the people without exceeding their respective prerogatives. It may be pertinently observed here that the public expression of personal opinion ought to be recorded among the many innovations of this time.[32]

Peter Dubois, a client of Philip, dared to propose to this sovereign the suppression of the temporal power of the Pope, in order to invest the kings with it, and thereby to realize the object of his dream: "a universal monarchy for the welfare of France." He even asked the king to suggest this to the pontiff. Dubois speaks

[31] Cf. Dupuy, *Preuves du différend*, pp. 126 ff.

[32] Cf. Rocquain, *La Cour de Rome et l'Esprit de Réforme avant Luther*, t. II, pp. 307 ff.

of the Pope thus: "A peaceful old man, the Pope cannot suppress arms and rebellion. Does he wish to use force? Then he will experience resistance, war will break out and millions of men will perish, whose souls will be lost, souls whom he has been charged to defend and to save. He does not claim any glory save that of pardoning, of announcing the word of God, and of restoring Christian princes to peace. But when he appears as the author and promoter of wars and homicides, he gives a pernicious example, he does what he detests, he blames what he accuses in others; and does what he prevents others from doing." [33] Dubois even attacked questions of ecclesiastical discipline and dogma, and proposed to the king the abolition of the celibacy of the clergy.

Boniface heard the news of these scandalous meetings at the Louvre and an appeal to a general council, not from his own legates but more probably from some victims, who had escaped from Philip's hands. He had transferred his Court to Anagni, his summer residence, and needless to say, the report of the proceedings of these assemblies was heart-rending to him. Uneasy, but not overcome, he was now practically alone, politically helpless against a seemingly all-powerful king. But neither the attacks directed against him, nor the numerous adhesions to the convocation of a council, at which he was to be judged, served to shake his courage and magnaminity; on the contrary it was in the midst of these trials and treacheries, that the grandeur of his soul became most apparent and most striking.

In an attitude of saddened dignity, he refuted the charges which were brought against him in these assemblies; especially that of heresy, for the fact, that he who had so ably defended the dogmas of faith, was now reputed as a heretic, was indeed a cruel and crushing insult to him. He grieved, however, not so much for the loss of his own reputation, but for the slanderous and seditious conduct of the members of his flock. And as if disdainful of bringing to light again those foul imputations with which he was charged, he simply remarked that his reputation had been attacked by men "whose tongues were in the mire while their eyes were turned towards heaven." He referred to Philip only

[33] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 118 ff.

to reproach him with his ingratitude. "In so far as We have shown him kindness," Boniface said, "he calls Us Very Holy Father, but when, faithful to the duties of our pastoral mission, We have wished to correct his faults, he has spoken with hatred against Us." In referring to the general council which they resolved to convoke against him, he declared that according to the laws of the Church, such a council cannot be convoked without his consent, he being a legitimate Pope.

Boniface now held a consistory at Anagni (August 15, 1303) and forthwith issued five Bulls. In the Bull *Nuper ad audientiam,* with solemn oath he cleared himself of all the crimes with which he was charged in France, declaring that they were utterly without foundation in fact. In this Bull, he resumed all his grievances against the king and allowed him to foresee the sentence which he was preparing to pronounce against him, "for the king did not wish to imitate Theodosius, who humbly submitted to Ambrose and performed ecclesiastical penance, but rather he preferred to sadden the Pope with injuries and to threaten the convocation of a general council which the Pope alone can convoke." Boniface again mentioned the blasphemous accusations of heresy which were alleged against him and cried out: "Who then has ever heard it said that We are tainted with heresy?"

In another Bull, *Sedes Apostolica,* of the same date, the Pope deprived the Doctors of the University of Paris of the faculty of teaching and conferring the degrees of Licentiate and Doctorate in Theology and in Canon and Civil Law, since Philip the Fair had corrupted them; he reserved to himself the provision of all the vacant Churches in France until Philip would obey the Holy See and make the necessary satisfaction. Going further, he suspended the power of the Archbishop of Nicosia, the first signer of the schismatical resolutions, and styled him "one of the most perfidious instigators of the rebellion of the French." He then declared that the citations to appear before the Apostolic See made to the king, would have their full effect by the mere fact of being affixed to the Church doors at the seat of the Roman Curia, i. e., Anagni, and he excommunicated all who hindered such citations.[34]

[34] Cf. Dupuy, *Preuves du différend,* pp. 161 ff; cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1303, nos. 37, 40.

The Pope declared that unless the king repented, he would inflict upon him the most severe punishments of the Church. He now prepared the Bull *Super Petri solio,* in which he formulated the sentence of excommunication against Philip, and related his grievances against the king: he referred to the mission entrusted to James de Normans; he recalled the prohibition placed by Philip on the convocation of a French council at Rome; he related that the king had insulted a bishop whom he had sent to him in the capacity of a papal-legate and had him guarded; that he desired to sever the unity of the Church, and had dealt harshly with the Abbot of Cîteaux, and other religious devoted to the Head of the Church; that he had cast into prison Nicholas Benefratte, the bearer of the papal letters; that he had given refuge to the Colonnas despite the pontifical sentences, therefore, he (Boniface) is obliged to judge him rigorously with a just judgment. In traditional form, he then excommunicated Philip and loosed his subjects from their oath of fidelity to him, "if they obey him henceforth they are anathema." The Bull, *Super Petri solio,* whereby France was to be placed under interdict, was ready for promulgation on September 8, 1303; but meanwhile Philip had entered into diabolical plans with Nogaret and his satellites and had resolved to forestall the publication of the banns of interdict against France by the perpetration of the vile deed at Anagni.

CHAPTER VII.

The Crisis of the Conflict: The Affront at Anagni.

The hour had now come when the elements of audacity, baseness, sophistry, a thirst for vengeance and for blood were going to league themselves against Boniface VIII; the tragedy of the great pontiff's life was imminent. Little is known of the itinerary of the four lawyers Nogaret, Mouchet, d'Hiricon and Gesserin until they reached Florence, where they made a long sojourn. Here William de Nogaret with his associates was clandestinely working out his deep and dark designs which were to surprise Boniface by force, to oblige him to abdicate and if he refused, to lead him to Lyons there to be judged by a council. As previously stated, in these plans he had, among others, enlisted the assistance of the Florentine Mouche, his interpreter, who had guided several French missions in Italy and was acquainted with the barons and leaders of the Italian cities. From Florence, Nogaret and his allies went to the castle of Staggia, where he established his general headquarters, organized his expedition against Boniface and sheltered his conspirators. The domains of Mouche, Staggia, Poggibonzi, and Fucecchio were situated in the territory of Florence, from there it was easy to interview the exiles, the rebels, and the bandits of the Apennine region and the enemies of the Gaetani who were very numerous in that section.[1]

Meanwhile Boniface was at Anagni wholly unaware of the demoniacal designs of his enemies. Nogaret did not dare to meet him there until he had secured effective and efficient assistance for the realization of his plans from all the enemies of the Pope and all the partisans of the Colonna. He had some difficulty in securing help for his vile project. The King of Naples, Charles II of Anjou, refused him his aid, whereupon he petitioned the Romans to assist him in defending the Church "against a usurper, a heretic and a tyrant" but they, fearing the Pope, withheld their support. Next he had recourse to the Ghibellines of Romagna, the avowed enemies of the papacy who recognized the Pope not "as the uni-

[1] Cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, pp. 163 ff.

versal Father of all the faithful," but as "Benedetto Gaetani." These Ghibellines were now thoroughly jealous and enraged because Boniface had enriched one of his nephews at the expense of the old noble families, bestowing upon him, by a Bull of February 10, 1303, nineteen castles; hence they welcomed an opportunity to league themselves against the Pope. Nogaret interviewed one of this faction, Rinaldo da Supino, Captain of the city of Ferentino, and proposed to him that he, and his adherents, should accompany the expedition to Anagni where the Pope was to be seized and deposed.[2] Rinaldo, though pleased with the project, wished to insure the royal protection before accepting the engagement, but Nogaret undaunted, presented him and his adherents with an affidavit from the king permitting him to conclude alliances and ratifying all his prospective engagements,[3] this document had a blank signature. Nogaret asserted, furthermore, that all those who would obey the requisition of the king in this pious enterprise would be largely repaid for their trouble. Rinaldo still had scruples and Nogaret again reassured him that he acted as a good Catholic and was working only for the welfare of the Church.

But the Italians were fearful as to what would happen after the departure of the envoys of Philip. They knew well that in conceding to Nogaret and taking arms against the Pope, they were incurring a tremendous risk, therefore they consented to join the expedition of Nogaret, only if he would march first with the standard of the king, while they would be content to play a secondary rôle. Nogaret accepted this condition with regret. He would have wished to appear as chief of the barons of Roman Campagna, *accersitis baronibus aliisque nobilibus Campagniae, qui me ad hoc pro defensione Ecclesiae capitaneum elegerunt et ducem.*[4]

The hypocritical Nogaret was now confronted with a new difficulty. He had mapped out for himself "the rôle of defendant and champion of the faith," yet was to march under the banner of the fleur-de-lis and to act as a soldier of the king, but he knew how to solve the difficulty. Although he had promised the Italians to march under the banner of the king, yet he concluded that he was

[2] Cf. Boutaric, *La France sous Philippe le Bel*, p. 115.

[3] Cf. Dupuy, *Preuves du différend*, pp. 609 ff.

[4] Cf. Dupuy, Ibid., pp. 256 ff.

not forbidden to use also the standard of the Roman Church, the gonfâlon of St. Peter. From this moment, Rinaldo became bound to the King of France *miles illustrissimi principis domini regis Franciae,* bound to him for the life and death of the Pope, *in favorem fidei orthodoxae . . . tam in vita quam in morte Bonifacii, ad confundendum Bonifacium et vindicandum injuriam regis.*[5] His brother, Thomas of Meroli or Morolo and many of the Commune of Ferentino united with him. The city of Ferentino itself furnished a corps of auxiliary troops, *auxilium in equis et armis,* which gave the affair an aspect of legality which up to the present time, it so completely lacked. It must be noted here that Nogaret's principal accomplice in the projected deed of Anagni was to be Sciarra Colonna, a violent man whose hatred of Boniface developed daily. He organized his own band of insurgents. Indeed both Nogaret and Sciarra Colonna wished to have the Pope in their possession as a priceless hostage. Nogaret claimed in his "Apologies" that he, at this period did what he could in order to lead Boniface to better sentiments and that he tried to see him; this is but an artifice to which the deceitful agent had recourse in order to justify his conduct for "the zeal of the faith and ecclesiastical discipline."

During the entire summer of 1303, Boniface ignored the plots which were being launched against him by Nogaret and his associates. If he had left Rome before August 15 in order to reside at Anagni, it was not because of a definite apprehension of the enemy, but rather to obtain a sojourn from the turbulent city of Rome which had become almost intolerable to him. The proposition of Nogaret had already penetrated Anagni, but Boniface had no mistrust in the inhabitants of his native city; the latter, however, was soon to completely undermine the confidence that he had reposed in it. The officials of the city, fearing to fall under the baronial power of the Gaetani, forgot the benefits which Boniface had showered upon them. The gold of Philip has produced its effect.

Sciarra Colonna and his partisans soon began to prowl around Anagni; William de Nogaret went to the meeting-place of his

[5] Cf. Ibid., pp. 174 ff.

accomplices and spent the nights of September 6 and 7, 1303, making due preparations for his entrance into the city. Hiricon, Gesserin and Mouchet were no longer with Nogaret, since he himself declares that he had with him at Anagni, two pages of his nation, *duos tantum de mea patria mecum domicellos habebam;* furthermore, these persons did not figure in the process incident upon the capture of the Pope. On the seventh day before dawn, he with a band of six hundred armed men marched in the direction of Anagni. Before the standard of the fleur-de-lis Nogaret bore the gonfâlon of St. Peter;[6] for he wanted it to be known that it was preëminently the interests of the Church which guided him in his undertaking. Avoiding a military rôle, he feigned to be only the sheriff who bore to the Roman Pontiff the summons of his sovereign judge. As previously stated, these men were said to be bent on avenging the injury of the King of France and the vassals of the Holy See, and on defending the Roman Church against the usurper, Boniface, and with cries of "Long live the King of France and the Colonna," they entered the open gates of the faithless city of Anagni.[7] The nobles of the city and some cardinals of the Ghibelline party declared themselves for the French; others disguised themselves as laymen and fled; many of the domestics of the Pope fled likewise.[8] Boniface himself was still unsuspecting of the approach of treachery.

Nogaret with Sciarra and Rinaldo da Supino arrived in the public square of Anagni; then the commune-bell sounded and assembled the chiefs of the city especially the podesta and the captain. Nogaret revealed to them his plan, which he claimed was for the welfare of the Church and begged their assistance. Soon the entire city was thrown into a state of alarm, the news spread that Sciarra Colonna had entered the city to seize the Pope and put him to death. At once some of the inhabitants of Anagni joined the insurgents and elected as their captain, Adenulf or Adenolfo Papareschi, son of Maffeo; the podesta was Nicholas, his brother, like the invaders they bore the standard of the

[6] Cf. Boutaric, *La France sous Philippe le Bel*, pp. 116 ff.

[7] Cf. Lettenhove, "Une relation inédite de L'attentat d'Anagni," *Revue des questions historiques*, t. XI, p. 511, Paris, 1872.

[8] Cf. Muratori, *Rer. Ital. SS.*, t. III, p. 672.

Roman Church and pledged allegiance to their captain who was an avowed enemy of the pontiff.[9] Soon Sciarra and his army marched in the direction of the papal palace but they must first pass through those of the Pope's nephew, Peter Gaetani, whom they derisively called the "Marquis," and his son. They then attacked the palaces of the three cardinals, Gentilis de Montefiore, the Cardinal of Orvieto, Nicholas Boccasino, the future Benedict XI, and Peter of Spain, the Cardinal of St. Sabina. These prelates and likewise "the Marquis" with his relatives defended themselves valiantly by hurling darts and stones in such a manner that they vigorously repulsed the first assaults of the enemy, but later some of them were overcome by force and made prisoners.

Soon the forces of Nogaret, Sciarra, Adenulf with the insurgents of Anagni and Rinaldo, all papal enemies, decided to combine and march against the Pope, thus making an effective resistance impossible. The Pope then asked for a truce from 6 A. M. to 3 P. M. Sciarra granted it to him. During this time, the Pope sent a message to the people of Anagni, supplicating them to save his life and promising them his blessing in return. But the people replied that they could do nothing without the consent of their chosen leader, Adenulf, thereupon the Pope despatched further messages for aid. Boniface then asked his assailants what they desired of him. They replied that he should renounce the papacy as Celestine had done, but Boniface said that he would die as Pope.[10] Sciarra Colonna then stipulated three conditions on which he would allow the Pope his life:

1. That he would establish in their former position, more for the temporal than for the spiritual, the two cardinals, James and Peter Colonna whom he had condemned, and not only the cardinals but also their kindred, and this restitution having taken place;
2. That the Pope would abdicate the papacy;
3. That the person of the Pope would henceforth remain in the power of Sciarra.

These intolerable conditions were of course rejected by the Pope. After the termination of the truce, the enemy directed its onslaught

[9] Cf. Gregorovius, *Geschichte der Stadt Rom*, t. V, pp. 559 ff.
[10] Cf. Dupuy, *Preuves du différend*, pp. 194 ff.

against the papal palace. It was a fortified castle joined to the Cathedral of Notre Dame; the doors of the castle were closed and the marauders, having decided to enter through the Church, set fire to the doors of the cathedral. The fleur-de-lis of the grandson of Saint Louis forced an entry into the sacred parvis and pillaged the Church, from which the clergy fled; blood stained the pavement. The papal servants offered some resistance to the entrance of the barricaded passage which led from the Church to the pontifical palace, but they soon had to surrender to the armies of Sciarra and Adenulf. The aggressors then rushed forward from the profaned Church lighted by flames into the papal manor.[11]

Night was approaching. When the venerable Pope heard the crash of breaking doors and windows and when he beheld the sacred edifice on fire, tears coursed down his cheeks. The invaders again besought him to renounce the papacy but he replied: "Since I am betrayed like my Savior and my end is nigh; at least I will die as Pope." He then ascended the papal throne, with keys in one hand and cross in the other. Grasping firmly his cross to his breast, he confronted the reviling mob. At his side were Nicholas Boccasino, who later became Benedict XI, and Peter of Spain, the Cardinal of Saint Sabina, his faithful friends.[12]

Soon Sciarra Colonna advanced towards the Pope, addressing to him injurious words to which he made no reply.[13] Nogaret followed close by, his designs were to intimidate the Pope, to induce him to resign and to convoke a council where he might be judged. Then, in the presence of several witnesses, he made this explanation to the pontiff, that on account of the procedure brought against him in France, and the accusations with which he was charged and against which he could not defend himself, he was, "in conformity with the canons, reputed as condemned, and the summons was issued whereby he was to appear before a council at Lyons, and be deposed in view of his notorious culpability as a heretic and a simoniac."

Nogaret, a stranger to reverence, fine feeling and generous sentiments further addressed Boniface thus: "I wish to conserve the

[11] Cf. Gregorovius, *Geschichte der Stadt Rom.*, t. V, pp. 560 ff.
[12] Cf. Muratori, *Rer. Ital. SS.*, t. III, p. 672.
[13] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 450.

life of the Church against the violence of your enemies by presenting you to a general council which I request you to convoke; if you refuse to do so, it will be convened in spite of you. It is a question of heresy and you should be judged willingly or unwillingly. I claim that it can be done in such a way as not to cause scandal in the Church especially in connection with the king and the kingdom of France." Then he added: "I arrest you in virtue of the rule of public law, for the defence of the Faith, and the interest of our Holy Mother the Church, not to insult you nor any one else.[14] Sorry Pope that you are! Consider the goodness of your lord, the King of France, who guards and protects your kingdom against your enemies." Boniface made no general reply. Each time, however, that his enemies proposed that he renounce the papacy he firmly responded that he would rather lose his life. Sciarra Colonna wished to put him to death but at the sight of the venerable old pontiff, he halted irresolute and abashed. Then Nogaret threatened to conduct him to Lyons, there to depose him before a council whereupon he replied: "Here is my head, here is my neck,[15] I will patiently bear that I, a Catholic and a lawful pontiff and Vicar of Christ be condemned by the Paterini (an heretical sect among whom was the grandfather of Nogaret who was burned at the stake). I desire to die for Christ and for the Church."

While these strange scenes were taking place, the papal manor as well as the houses of Peter Gaetani and the cardinals were pillaged. The pontifical treasure which had increased considerably since the jubilee of 1300, the reliquaries and all the precious objects became the prey of the Colonna and their partisans; the cartularies and the registers of the Apostolic Chancery were scattered. All this was done under the very eyes of Boniface, and of Nogaret who skilfully played the rôle of an undisturbed lawyer. The pillage of the pontifical palace and treasury was principally the work of the Italian condotierri, but the deed accomplished, there was some uneasiness as to how the expedition might terminate. Nogaret seemed inclined to a moderate policy; he allowed Francis Gaetani,

[14] Cf. Langlois-Lavisse, *Histoire de France*, t. III, part II, p. 165.
[15] Cf. Dupuy, *Preuves du différend*, p. 195.

another of the Pope's nephews, to retire outside of the city of Anagni, and permitted those cardinals, who wished to remain neutral in the conflict, to withdraw to Perugia.[16]

When Boniface beheld his pontifical domains despoiled to destitution, in resignation he repeated the words of Holy Job: "The Lord hath given and the Lord hath taken away, blessed be the name of the Lord." He himself was then placed under the guard of a few armed men among whom was Nogaret. He remained thus from the night before the Nativity of our Lady until the third day, that is until Monday which was the day after the Nativity. Never did the papal majesty suffer a more cruel blow, but whatever may be written to the effect that Boniface suffered corporal violence, it cannot be substantiated that either Nogaret or Sciarra Colonna dealt him blows, although the brutality of a bandit like Sciarra Colonna would be capable of extreme excesses. The insult offered to the Vicar of Christ was certainly outrageous but it was not wholly incompatible with the cold judicial attitude which Nogaret, Du Plessis and Dubois evinced towards the papacy. During the ordeal, Boniface was unnerved but a superhuman strength shone in his eyes and a superhuman Power sustained him, for he suffered not a corporal violence but rather a moral violence. It is to the latter then, that Dante[17] refers, when, setting aside his Ghibelline tendencies, he sings of the pontiff thus:

> "Enter Alagna, lo the fleur-de-lis,
> And in his vicar, Christ a captive led!
> I see him mocked a second time;—again,
> The vinegar and gall produced I see;
> And Christ Himself 'twixt living robbers slain."

On Sunday, September 8, the marauders of the palace of Boniface were restless and unoccupied. The attack was now practically consummated and nothing was accomplished. Why these moments of repose? Why did Nogaret whose plan had thus far developed with a juridical rigor suddenly stop? He did not find his associates as firm in carrying out his plan as he had thought. He

[16] Cf. Ibid., p. 311.

[17] Cf. Dante, *Purgatorio*, canto XX, 1, 86-90.

himself lacked foresight. His project, to strike the papacy in the very heart of Italy, practically without the aid of French arms, but with the assistance of discordant Italians, can hardly be said to have been well conceived. To retreat, with the Pope as a prisoner as far as Lyons, in the midst of a population which was once the pride of a humiliated Boniface and which now had little interest in upholding its conqueror, but whose Italian patriotism and Catholic instincts must finally resent such a strange sacrilege: such a conception was filled with impossibilities. He might have sought a precedent in this bold adventure, in the expedition which Charles of Valois had made into Italy some two years previously, but this expedition had been made in favor of the papacy and the Guelphs against the Ghibellines. It may be noted here in passing, that Charles of Valois now remained at heart a secret partisan of the papacy who deeply regretted the influence exerted by the Gallican lawyers upon the mind of his brother, Philip the Fair. Nogaret was stranded because of his thoughtlessness and the perfidy of his allies. Furthermore, the customary Italian vivacities, baronial jealousies, vengeance, and passionate outbreaks had frustrated his plans. His band, composed of Italians, whom he had not under control was about to desert him.[18]

All day Sunday, Nogaret remained in the pontifical palace. He with Rinaldo da Supino was supposedly occupied in guarding the Pope from evil treatment; this was a difficult task for the accomplishment of which, assistance was demanded. Nogaret also attributed to himself the merit of having released Peter Gaetani, a nephew of Boniface, who was imprisoned early in the attack. Indeed the "Apologies of Nogaret" bear in each line a systematic endeavor to create an extenuating atmosphere about his deeds at Anagni.[19] He would indeed have now wished to withdraw from the rash enterprises which he had planned, since he knew not how to transport a venerable old man of eighty-six years from Anagni to Lyons.

On Monday, September 9, that which happened in the history of countless Italian revolutions was again repeated. A sudden change

[18] Cf. Renan, "Guillaume de Nogaret, Legiste," *Histoire Littéraire de la France*, t. XXVII, pp. 257 ff. [19] Cf. Ibid., p. 258.

had come over the insurgents, especially those of Anagni, who, having betrayed the Pope were now affrighted by their own boldness and began to sympathize with the victim. When the insurgents of Anagni heard a rumor that Sciarra and his companions contemplated killing the Pope, they held a secret meeting unknown to their captain, Adenulf, at three o'clock on the morning after the Nativity. They decided that it was not lawful to kill the Pope even if he had committed grievous crimes and they knew, too, that if he were put to death in their midst that they would be blamed for his death; their city would then be struck with interdict in such a manner, that the Holy Sacrifice of the Mass could not be offered in it and all Christianity would rise up against them. They then resolved to deliver the pontiff from the hands of his keepers, declaring that if the guardians of the Pope resisted them they would slay them one and all. Without further deliberation, the townspeople and villagers of Anagni, strong and well-armed, went to the palace where the Pope was imprisoned and having put some of the guards to death, cried out: "Long live the Pope, death to the strangers." One of them approached the Pope and said: "Holy Father, we are come here in order to save your life, we wish, however, to have the keeping of your person until this storm may be appeased." At these words, the Pope raising his hands towards Heaven, rendered thanks to the Lord Who had preserved him from death.[20] Then the town of Anagni delivered him and took him into its custody.

During the affray, the army of Rinaldo and Sciarra Colonna lost many men. Rinaldo and his son were captured for a time and then liberated. A part of the papal treasure was recovered and the fleur-de-lis which Nogaret had raised on the pontifical palace was dragged in the mud. Sciarra Colonna went out of the city with his army; he was sharply irritated against the people of Anagni who had rescued the Pope. Nogaret was obliged to take refuge with his friend, Rinaldo, behind the walls of Ferentino. One of the defects in the plots of both Nogaret and Sciarra Colonna was their failure to engage the assistance of the Romans. The

[20] Cf. Lettenhove, "L'Attentat d' Anagni," *Revue des questions historiques*, t. XI, p. 517, 1872.

Ghibellines of Rome whom they had interviewed during the months of July and August (1303) did not believe that their project would succeed. When, however, they learned at Rome of the attack on Boniface, their spirits were stirred; party divisions were forgotten and their hatred of the French was reawakened. They at once despatched to the Pope four hundred Roman horsemen under the command of Cardinal Matthew Rosso Orsini.[21] The troops arrived just as Nogaret was leaving the city.

The Pope was now in the hands of the people of Anagni who carried him in procession through the streets of their city, while he, weeping, gave thanks to God, to the Saints, and to the people of this city that his life had been spared. Addressing the inhabitants he said: "Men and women, you know well how my enemies have come here and have carried off my goods and those of the Church, leaving me as destitute as Job. I can tell you that I have nothing to eat or drink, I am still fasting to-day, and if there be some good woman among you, who would be pleased to give me an alms of bread and wine, or not having bread and wine, if she be pleased to bring me a glass of water, I will give her God's blessing and mine, and all those who will assist me, I shall absolve them from their sins." All cried out: "Long live the Holy Father."[22] Immediately the women who were present procured water, wine and bread for the Pope so that in a short time, there was a copious supply; then the good and the bad alike drew near to the Pope and spoke to him as to a poor man.

Later the pontiff, with the permission of the guards, blessed the people of Anagni and again rendered thanks to God for his safety. He granted to all those who were in the city, absolution for their faults and penalties, with this single reservation, that he did not absolve the plunderers of the goods of the Roman Church and those of the cardinals and other persons of the papal court, if they did not restore them within three days. He, furthermore, declared that he would never except from absolution those who had taken away his goods from him, provided they were of his own personal treasure

[21] Cf. Gregorovius, *Geschichte der Stadt Rom.*, t. V, pp. 563 ff.

[22] Cf. Lettenhove, "L'Attentat d'Anagni," *Revue des questions historiques*, t. XI, pp. 517 ff, 1872.

and not that of the Church. He likewise declared before all present that he wished to have peace with the Colonna and his other enemies and that he was ready to reëstablish them in their spiritual and temporal rights. He remained under the guard of the Commune of Anagni from the evening of the day after the Nativity until the following Friday.

During this time, the people brought him some of the goods which had been stolen, but complete restitution was not made. On the Friday following the Feast of the Nativity, the Pope, accompanied by the Roman cavaliers who had come to deliver him, left Anagni (which was plunged in grief over its ignominious deed), in order to go to Rome. He arrived at Rome on the following Wednesday and stayed at the Lateran for two days; on the third day he went to Saint Peter's; he was grieved to feel that he was unsafe unless the Roman people guarded him, yet there was scarcely a city in Tuscany or in the Roman territory that would dare to take arms against the Colonna.

After his return to Rome, Boniface lived only for a short time. The scandals of Anagni had injured his authority, the anger of Philip had increased, even his trusted friends had deserted him. This critical situation deeply grieved him and he died of a fever on October 11, 1303, in full possession of his senses and in the presence of eight cardinals and the chief members of the papal household, after having received the last Sacraments and after making the usual profession of faith.[23] His end was probably accelerated by the shock and sufferings of his captivity and by the insults and ingratitude of his subjects. The fable narrated by Sismondi, that Boniface having been imprisoned in his own apartments, fell into a violent passion, gnawed his hands, dashed his head against the wall and strangled himself is only another calumny spread against this great Pope. Indeed it would seem that Divine Providence took care to refute it, for on October 8, 1605, about three hundred years after his death, his tomb was opened and his body was found in a state of perfect preservation. His countenance bore a placid and peaceful expression and his supposedly "gnawed" hands were so

[23] Cf. Oestreich, *Boniface VIII, The Catholic Encyclopedia,* vol. II, p. 669.

beautiful as to fill all with admiration.[24] On account of an unusually violent storm he was buried in the crypt of St. Peter's with less ceremony than befits a Pope. His soul wearied after the long combat it endured for the rights of the Church, and saddened by the wickedness of man, was nevertheless unconquered and unsullied in its grandeur.[25] The episode which culminated at Anagni gives to the quarrel between Boniface VIII and Philip the Fair a tragic horror, repulsive in itself and discreditable to Philip's memory.

It may be noted here that from the day of his expulsion from Anagni until October 11, the day on which Boniface died, Nogaret spent much of his time at Ferentino with Rinaldo and Sciarra Colonna. Their project was frustrated and certainly the situation of these conspirators would have been very critical, if the life of Boniface had been prolonged. It is probable that Nogaret would have been charged with the responsibility of having without precise orders, compromised the crown of France in a plot of malefactors. But the death of Boniface seems to have changed his defeat into victory. His position was not that of a vanquished man; he was well housed by Rinaldo and well received by the town of Ferentino, *post ejus exitum de Anagnia, ipsum apud Ferentinum cum communi civitatis ipsius recipimus et eum fovimus.* Later he gave to Rinaldo a notorious act promising him the aid of men and money in order to avenge the partisans and relatives of Boniface; he himself remained firm in his resolve to fulfill his designs concerning the pontiff. In this act he is qualified, *excellentissimi regis Franciae miles et nuntius specialis,* all that he has done has been done in the cause of the orthodox faith.[26] The conduct of the inhabitants of Anagni on the Monday of September 9 is qualified as treason. They will be punished, for after having promised him their assistance and counsel, they endeavored to subject him to a cruel death, and furthermore, they dragged the flags and arms, *vexillum ac insignia,* of the King of France through the streets of Anagni.

The deep and dark designs of Nogaret regarding Boniface were

[24] Cf. Parsons, *Studies in Church History,* vol. II, p. 432; cf. Wiseman, "Boniface VIII" in *Essays on Various Subjects,* vol. III, p. 220.

[25] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times,* p. 389.

[26] Cf. Dupuy, *Actes et Preuves,* pp. 174-176.

not ended; after the tragic drama of Anagni, he wrote confidentially to Philip: "Against the partisans of the Pope, seek your support in the ancient charters, in the holiness of your predecessors, and in the good disposition of the princes, your allies.[27] In entering prudently upon this course, you will find an expedient which must produce marvellous effects in the interest of the State."

As for himself he would wish to continue, but he must desist for the present, *non plus ad praesens*. His advice was replete with significance for the future. He declared openly at Ferentino that the death of Boniface had not interrupted the course which he was charged to pursue against him; for the crimes of heresy, of simony and of sodomy could be prosecuted against the dead. Furthermore, the supporters of Boniface, who were still alive, were culpable and could not remain unpunished. His zeal for the interests of the king obliged him to discharge an insatiable vengeance against the inhabitants of Anagni.[28]

The Process Against the Memory of Boniface VIII; William de Nogaret.

"Men ordinarily are gracious to tombs, there hatred ends and vengeance is disarmed and dismissed; because those who rest therein become something sacred. But the hatred and vengeance of Philip the Fair against the late Boniface was to be perpetuated and pursued even after his death. Philip, struck by a spiritual sword, not of a Gaetani, but of a Sovereign Pontiff, was determined to avenge his hatred by villifying the very memory of Boniface and effacing his name from the papal records. Although the solemn voice of Boniface was silent and still, yet the scandal of Anagni cried to Heaven for vengeance, and Philip desired to stifle and if possible, to entirely silence that cry." [29]

Ten days after the death of Boniface VIII, the cardinals in conformity with the constitution of Gregory X, met in conclave in

[27] Cf. Audisio, *Histoire des Papes*, 1294-1585, p. 36.

[28] Cf. Dupuy, *Preuves du différend*, pp. 248 ff., nos. 56 ff.

[29] Cf. Tosti-Donnelly, *History of Pope Boniface VIII and His Times*, p. 396.

Rome on October 21, 1303. Nogaret was present at the conclave in order that he might protest against an election which would be contrary to the interests of his master, the king.[30] The cardinals themselves, well aware of the danger of prolonging the vacancy of the Holy See, proceeded without delay to choose another Pope. The next day, October 22, 1303, they elected Nicholas Boccasino, the Cardinal-bishop of Ostia, as Supreme Pontiff. He was consecrated on October 27, 1303, and took the name of Benedict XI. Born in 1240, of poor and obscure parentage, he was remarkably gifted with a nobility of mind and heart. He was of pure morals and sweet disposition. At the age of seventeen, he entered the Order of Friars Preacher and later successively became prior, provincial and general of that Order. Since the situation between the King of France and the Holy See was both delicate and difficult, the new Pope found himself in perplexing and perilous straits, he knew that he must calm the turbulent and troubled spirits of the king and his clients, yet he must not concede in matters of ecclesiastical principles.[31] He had a vivid and veritable horror of the tragic scene at Anagni of which he had been an ocular witness. Guided by prudence, he realized that he must make some concession to Philip in order to lead him in the way of salvation. Indeed, his tact and wisdom were exemplary, marked at one and the same time with delicacy and discretion. Scarcely had he ascended the pontifical throne, when he decided on a reconciliation between the Holy See and the kingdom of France.

Warned of these dispositions of the pontiff, William de Nogaret, who when in Rome, had intended to ask the new Pope, according to the king's command, for the convocation of a general council, now hastened to leave Italy, in order to acquaint Philip (who was at Béziers) with the dispositions of the new Sovereign Pontiff.[32] But although Benedict seemed disposed to be indulgent towards Philip, yet he prudently waited until this monarch should take the initiative, and he abstained from notifying him, according to

[30] Cf. Boutaric, *La France, sous Philippe le Bel*, p. 121.

[31] Cf. Audisio, *Histoire des Papes*, 1294-1585, pp. 27 ff.

[32] Cf. Renan, "Guillaume de Nogaret, Legiste," *Histoire Littéraire de la France*, t. XXVII, pp. 264 ff.

custom, of his election to the papacy and thereupon receiving the solemn embassy of congratulations.[33]

Meanwhile, Philip was greatly troubled; he was aware that many of the most renowned members of the clergy were partisans of Boniface, and the majority of them only awaited the auspicious moment to declare themselves against him, for they now repulsed and abhorred the calumnies advanced against the late Pope. Many of the most intimate friends of the king knew that he bore a heavy conscience; for the past gave him uneasiness and anxiety, while the future was both threatening and uncertain.[34] Motivated, therefore, by sentiments of unrest, and fearing too that his abstention from communication with the Holy See would be considered by his subjects as a confirmation of the anathemas of the late Boniface, he judged it both proper and prudent to presently become reconciled with the new Pope. Meanwhile, Peter of Pérédo, the prior of Chiesa, a messenger of Philip, went to Rome to confer with the new pontiff. He took it upon himself to inform Benedict of the faults of Boniface, telling him of the sad contrast which the late Pope presented to his predecessors, who were distinguished for their piety and asceticism, who built basilicas and monasteries, who amassed no treasure, and were well disposed towards the princes.[35] Benedict, however, deemed it advisable not to reply to these remarks since the prior did not speak officially in the name of the king.

Meanwhile, Nogaret having reached the king counselled him to put himself in communication with the new Pope at once, since Boniface, "the most redoubtable enemy that the French royalty had ever met" was dead and the sentiments of the Roman Court were consequently altered. Nogaret advised him to send a solemn embassy to the Holy See and to insist on the convocation of a general council in order to proclaim the late Boniface a heretic, and if successful in this, both the king and he, instead of being regarded with sacriligeous scorn, would be hailed as rescuers of

[33] Pope Benedict XI did not notify Philip of his accession to the papacy until March 29, 1304, four days after he had pardoned the censures incurred by the Prince.

[34] Cf. Boutaric, *La France sous Philippe le Bel*, p. 121.

[35] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 473.

the Church and combatants of heresy. Both king and counsellor decided to do all in their power to successfully carry out these projects. Whereupon the king sent to Rome, the audacious Nogaret, the implacable William du Plessis, the ambassador, Béraud de Mercoeur, and the celebrated canonist and renowned lawyer, Peter of Belleperche, all unscrupulous and intriguing men. These deputies were charged by the king to negotiate a reconciliation with the Holy See "under the reserve of the rights of the King and the Kingdom" February 11, 1304. The king gave to these deputies, qualified as, *milites et nuntii nostri,* the power to free all persons, lay or ecclesiastic who were detained for any reason whatsoever in the prisons of southern France.

Philip then wrote a flattering letter to the pontiff felicitating him thus on his accession to the papacy: "It is a true joy for us to see in the Chair of St. Peter, a man whose reputation for holiness has reached even us, and who is regarded as a mirror of sanctity, and is attached only to the welfare of the Church and religion." Philip also commended to him his kingdom and the Gallican Church. Meanwhile, the Pope received the royal emissaries with courtesy and kindness, with the exception of Nogaret whom he refused to interview. Not only did the pontiff demand no satisfaction from the king for his past conduct regarding Boniface, but even in his absence and without his request *(tibi absenti et non petenti)* he, by the Bull *Quanto nos* in a spirit of charity absolved him *motu proprio* from all the censures, which had been pronounced against him from any motive whatsoever (April 2, 1304).[36] This Bull reflected the tenderness of the Holy See for the King of France.

Benedict then absolved from censure James and Peter Colonna without, however, returning to them their benefices and the "purple" of which they had been deprived. Likewise he forbade the reconstruction of Palestrina and refused to absolve William de Nogaret from the excommunication and interdict incurred by him. Indeed he prudently delayed to pass his judgment on the affair at Anagni: for this was a thorn in the side of both parties, the adherents of the king and those of the Pope, since the former wished

[36] Cf. *Les Registres de Benoît XI,* no. 1312, Paris, 1905.

him to stigmatize and abolish the very memory of the late Boniface, while the latter desired him to deal pitilessly with the perpetrators of the outrage. Thus surrounded by these turbulent and trying factions, he was obliged to proceed cautiously. He himself seemed loath to convoke, according to the king's request, a council to judge his predecessor, for he had declared in consistory, that he reserved to himself the right of decision on this point, but the royal ambassadors undaunted, sought to persuade the cardinals to work for the convocation of a general council.

There then appeared in France, a memoir to the king exhorting him " in the name of the nation to defend the liberty and sovereignty of the kingdom against the attacks of the late Pope, to declare the latter a heretic and obtain his condemnation as such." This writing sought to prove by the authority of Holy Scripture that according to the Will of God, the kingship and the sacred hierarchy have been and always must be separate; it claimed that Boniface VIII was the first who wished to extend over temporal things his power of binding and loosing.

The heinous and horrible outrage of Anagni had been like the signal of a general insurrection against the political power of the papacy. Rome was the centre of this agitation; there brute force was the law. The chiefs of the opposing parties marched surrounded by armed satellites. The ambassadors of the king had already allured six of the cardinals to adhere to the convocation of a general council. Frederick II of Sicily dated the years of his reign from the day of his usurpation of the papal domains and comported himself as an absolute monarch. Indeed the favors granted by the Pope to France and the Colonna were very apt in such anarchy. Perhaps it was the papal clemency that touched the heart of Frederick who later confessed that he held his government from the liberality of the Church, renewed his promise to pay an annual tribute of three thousand ounces of gold, gave his assurance of aid in case of war, and recognized for his friends and enemies, the friends and enemies of the Holy See. This was but a feeble compensation for Benedict XI in the face of the mortifications which he endured in Rome and the dangers which threatened him on the part of France.

As the month of May approached, the Pope being ill at ease,

because of the noble families of Rome who disdained his authority, left that city and went to Viterbo then to Orvieto and finally to Perugia; here safe from the troubles of Rome, he remained in this faithful city. With the pontificate of Benedict XI begins the estrangement of the papacy from Rome, inaugurating an era of servitude for the Holy See; the sad and serious result of this act, the holy pontiff could not foresee but it furnished a terrible lesson for his successors.[37]

Since William de Nogaret plays an important part in the process against the memory of Boniface which shall presently be discussed, his career deserves special consideration here. Nogaret, who was once a member of the company of the worst bandits of Christianity, had now become a member of the royal embassy, accompanying the members of the Church and of the University of Paris. But this insolent diplomat had counted too much on his own audacity and on the seeming weakness of Benedict, who had presently recovered from that species of stupor, which the scene at Anagni had cast upon him. As previously stated, he welcomed the embassy of the king, but he refused to see Nogaret. If the Pope had consented to negotiate with him, this might be some evidence that he was free from excommunication, since the Pope cannot confer with an excommunicated person. This refusal of Benedict, on the contrary, kept Nogaret under the penalty of terrible anathemas and forced him to solicit absolution for his campaign of Anagni (1303). Furthermore, to solicit absolution was to acknowledge his guilt, and this in turn meant punishment. He begged Pope Benedict to give him absolution *ad cautelam,* that is to say, absolution which one asks for security of conscience under the reserve of ulterior judgment, and which does not imply the reality of the crime from which one is absolved.[38] Again Pope Benedict refused.

By a Bull of May 13, 1304, the Pope annulled all the sentences of excommunication against the king, his kingdom, his counsellors and his officers and reinstated all the French in the positions which they held before the conflict; William de Nogaret was excepted. By

[37] Cf. Audisio, *Histoire des Papes,* 1294-1585, pp. 29 ff.

[38] Cf. Renan, "Un Ministre du Roi, Philippe de Bel, Guillaume de Nogaret," *Revue Des Deux Mondes,* t. XCVIII, p. 599, Paris, 1872.

another Bull of the same day, the Pope freed all prelates, ecclesiastics, barons and nobles and others of the kingdom from the excommunication pronounced against them, with the exception of Nogaret whose absolution he reserved to himself. This was very grave indeed. The diplomacy of Nogaret was stranded, his civil position was that of an excommunicated person which was equivalent to being an outlaw. His fortune was without protection, his life in danger. In order to shake off this anathema, he spent seven years in clever combats and subtle procedures.

Nogaret who had advised the king to ask Benedict XI either through himself or through a council, to begin a process to indict Boniface VIII and declare him a heretic, now only dared to frantically attack the memory of the late Pope, since he saw that he had only one plank of salvation: i. e., to place the Court of Rome in such a situation, that it would deem itself happy to grant him absolution as a price for his desistance. By a prompt action, he preceded the arrival in France of those Bulls which absolved all but himself. His position at the court of France became more difficult. There, he had enemies who sought to present to the king the incident of Anagni in a most unfavorable light. The accounts of what had taken place in Anagni were spread in France and had excited even there a universal disapprobation. Charles of Valois and some of his relatives were irritated against those who had advised such violences. The clergy murmured aloud and awaited an occasion to burst forth.

Nogaret submitted a justificatory memorandum to the king, as his natural judge, and asked that he would consider the proofs and pronounce sentence upon his action. But the king hesitated and seemingly refused. The process implied in reality the heresy of Boniface and the illegitimacy of his papal title "an inquiry, which being incident on my cause, belongs to the jurisdiction of the Church or the king" said Nogaret. By this skillful turn, he colored the refusal which Philip seemed to have opposed to his inquiry, but if he could extract from the king, as a temporal judge, a decree stating his innocence, that would certainly be a partial vindication; but he did not succeed in obtaining even this *suave-garde*. Philip the Fair, however, persisted in retaining Nogaret as his minister, when he might have dismissed him as an evil

adviser, who acted without his authorization. Meanwhile Nogaret did not cease to negotiate for the pardon of the Holy See. At Viterbo and also at Perugia, the Pope was solicited through the most eminent persons of the Church, for his pardon. All was useless. This refusal of absolution did not suffice; for Benedict, a few weeks after he had absolved the king, undertook a canonical procedure against all those who had been his agents in the perpetration of the vile deed at Anagni.

On June 7, 1304, he wrote and published the Bull *Flagitiosum scelus* directed against the sacrilegious offenders, who at Anagni had maltreated and imprisoned Boniface VIII; these were cited to appear before him on the Feast of Saint Peter and Paul of that year (June 29, 1304), in order to receive their sentence; if they failed to come, they would be struck with anathema. This Bull contains the following sentiments. "These crimes were committed publicly and under our very eyes . . . crimes of *lèse-majesté,* of rebellion, of sacrilege, of felony, of theft, of rapine, the mere thought of which excites horror. Who would be so cruel as not to shed tears, so spiteful as not to be moved to compassion? What judge would be so negligent as not to be eager to proceed; or so merciful and clement as not to become severe? Security has been violated, immunity offended. One's own country has not been a protection; the domestic fireside has not been a refuge; a Sovereign Pontiff has been outraged; and with her Spouse made a prisoner, the Church herself has been made a captive. Where, henceforth, find a safe place? What sanctuary will be respected, after the violation of that of the Roman Pontiff? O, inexplicable crime! O, unfortunate Anagni! May the rain and the dew fall on thee no more, but descending on other mountains, pass to the side of thee; because the hero has fallen, that which was invested with strength has been overcome under thine eyes and thou couldst have prevented it. O, most wretched malefactors! In your actions, you would not imitate the example of Holy David, who not only refused to lay a hand on the anointed of the Lord, although he were his enemy, persecutor and rival, but even ordered to be struck down by the sword the one, who dared to do so. For it is written: 'Touch not my anointed.' Inexpressible grief! Lamentable action! Pernicious example! Inexplicable fault! Intone, O

Church, the mournful chant of lamentations, let tears course down thy cheeks, and as promoters in thy vengeance let they sons come from afar and thy daughters rush to thy side." [39] This Bull astounded the malefactors who, after so many indulgences on the part of the pontiff, thought themselves safe.

Little by little the potent pontiff appeared behind the timid monk. Nogaret now saw that his condition after the publication of this Bull was more critical than ever and therefore he must see to it that the Bull *Flagitiosum scelus* might not have its effect. He refused to appear in accordance with the citation of the Bull, and on June 25, 1304, he placed himself under the protection of the king. His condemnation was about to take place, when death again intervened, for on July 7, 1304, after a brief reign of about nine months, Benedict XI died suddenly at Perugia. It is believed that he had been poisoned and suspicion naturally fell on those who were so greatly interested in his death, viz Nogaret and Sciarra Colonna.

It is only probable that Nogaret poisoned Benedict, but since he regarded his death as a mark of Divine vengeance and hence presumed to interpret the judgments of God in the death of an enemy, he gave some weight to the suspicions. What seems more reasonable, however, is that the crime was the work of Rinaldo da Supino or of Sciarra Colonna. For some time, the Pope had suspected poisoning and had made a trial of every dish. It is said that his enemies had foiled his precautions by dressing a young boy as a religious, who presented himself as the attendant of the Sisters of Saint Petronilla, holding a silver dish of delicious figs which he offered to the Pope on the part of the Abbess, who was a friend of the pontiff. The Pope received them without mistrust because they had just come from one who was dear to him, he ate many of them and died.[40] It has been stated that the crime against Benedict XI was perpetrated by Philip the Fair himself,[41] but this prince had scarcely any interest in the death of a pontiff whose sentiments towards him were only manifested by

[39] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1304, no. 13.

[40] Cf. Renan, "Guillaume de Nogaret," *Revue Des Deux Mondes*, t. XCVIII, p. 602.

[41] Cf. Muratori, *Rer. Ital., SS.*, t. IX, p. 1013.

acts of kindness.[42] Brief as had been the pontificate of Benedict XI, still this pontiff had brought about some amelioration between the Holy See and the court of France, but this temporary adjustment had caused a return of rivalries in the Sacred College, and almost an entire year elapsed before another Pope was elected.

During this pontifical interim (July, 1304-June, 1305) Nogaret again plays a very important rôle; he issues several acts against the late Boniface and makes several attempts to justify his conduct at Anagni. The death of Benedict XI left Nogaret in a favorable juridical position. According to his own claims, he had simply been summoned by Benedict XI; he had not been condemned, nor even heard, and as a subtle lawyer, he had ruses without end. He affected to be entirely ignorant of the procedure at Perugia, whereby the Pope denied him pardon, because he had never received a copy of the statement. But despite all his skill, Nogaret was rejected by ecclesiastical law and he saw that he could be saved only by an absolution of the Church.[43]

As previously stated, this vacancy of the Holy See from the death of Benedict XI, July 7, 1304, to the election of Clement V (June 5, 1305) seemed to offer him a suitable and salutary occasion to obtain what he desired. Never indeed were anathemas so easy to bear as those which the crime at Anagni had brought upon Nogaret; for the recompenses of the king were abundantly showered on this outlaw; but still he, himself, knew that these favors were useless, unless he obtained a regular absolution. His position was perilous and jeopardized his fortune, for an excommunicated person can neither make a will nor even have inheritances; therefore, he turned to the officials of Paris to espouse his cause. On September 7, 1304, the day before the Feast of the Nativity and the anniversary of the affront at Anagni, he registered before the official prelate of Paris, whom he regarded as his natural judge, a long apology for his conduct; he asked for absolution *ad cautelam* for he did not seem to understand that he was bound by any anathema.

He then renewed his attack against Boniface. This Pope has

[42] Cf. Boutaric, *La France sous Philippe le Bel*, p. 122.

[43] Cf. Renan, "Guillaume de Nogaret," *Revue Des Deux Mondes*, t. XCVIII, pp. 602 ff.

been a heretic, a simoniac, a sacrilegious person, he has entered the papacy viciously, he has been a spendthrift of the goods of the Church, a usurer, a homicide, a sodomite, he has disturbed the College of Cardinals, ruined the city of Rome, renewed the dissensions in Italy and among Christian princes; he has attempted by several means to destroy the kingdom of France, the principal column of the Roman Church, he has exacted from it all the money that he could, he has convoked the prelates for the ruin of it, has suspended its Universities and has wished, in a word, to destroy the French Church which forms a large part of the universal Church. The King of France has begged me to take the affair of Boniface in hand and in the embassy of 1300, he requested me to warn Boniface *caritative et canonice* first privately, and then before proper witnesses, but Boniface had misunderstood everything.

Nogaret then stated that he would have been able to reveal what he knew to the universal Church but Boniface rendered this impossible by his tyrannical power. He himself exposed the alleged crimes of the Pope at the assembly of March, 1303, and asked the king to convoke a council. In June, 1303, Boniface was accused and cited, and all France consented to this citation. Boniface did not justify himself, consequently he was held guilty. But he, the envoy of the king, deferred using force until he heard of the intention of the antipope, Boniface, to publish his anathemas against France. Forthwith he spoke of the affair at Anagni, regretting that recourse had to be made to violence, but "it was impossible otherwise to accomplish the affair of Christ," *aliter non valentes negotium Christi complere.* He explained his efforts to spare the life of Boniface and to shield his relatives. He did not deem it necessary that Boniface should have granted full pardon to the accomplices at Anagni as they had no need of it; on the contrary, they were worthy of recompense for having defended the cause of Christ, *imo potius praemium eis, pro Christo negotio quod gesserant, non poena deberetur.* He was to continue his virtuous work, *virtuosum negotium*, without abatement even after the death of Boniface, for the accusation of heresy is not destroyed by death. It would be detrimental to the Church if the memory of a Pope as blameworthy as he, should not notoriously perish, *si memoria ejus cum debito sonitu non periret,* lest others might be impelled to

imitate his example. Then, too, his own course of action was motivated by zeal for the glory of God and for the Faith. He had violated no canon and if he had given way to excess in anything, he was ready to render an account to a general council.[44]

On the 12th of September (1304), Nogaret deposited a still more audacious act before the official of Paris. Bad news had just come from Italy to the effect that the cardinals of the Bonifacian party would render themselves masters of the conclave, and Nogaret, anticipating the sentence which a future Pope could strike against him, armed himself by handing in this previous protest: He, considering the life of the late Boniface filled with enormous crimes, and seeing that several ecclesiastics, some of whom are assistants of the Holy See, have approved his bad life, his sodomy, and his homicides, and fearing that his adherents might be as pernicious to the Church as he himself had been: for these motives he appeals to a council and to a future Pope for fear that the cardinal-supporters of the said Pope should presume to elect an accomplice of his crime or to accept in the conclave any reports from excommunicated persons. It was the fear that he has of the supporters of heresy, whose unjust hatred does not cease to pursue him, which has prevented him from going to Rome to reply to the citation of Benedict XI; for the present, he does not name these perverse men. But even as he has risen against Boniface, so he will rise against his supporters because he has chosen as his mission, to oppose himself like a wall against those who wished "to outrage his Mother (the Church) and to violate her before the nations." Boldness . . . always boldness . . . such was the policy of Nogaret. It was in the unceasing challenge of these audacious rôles, these subterfuges, that he finally left the seat of the culprit and emerged triumphant from an exploit, which would have ended in the case of another, according to all probability, in life-imprisonment or death. He has not exhausted his justifications, for during the month of September, 1304, scarcely a day passed in which he did not produce some notorious piece.

Another act registered on September 12, 1304, before the official

[44] Cf. Dupuy, *Preuves du différend*, pp. 269; cf. Renan, "Guillaume de Nogaret, Legiste," *Histoire Littéraire de la France*, t. XXVII, pp. 275 ff.

of Paris claimed that if the Holy See were badly informed, it can render a judgment capable of being abrogated, and a legitimate Pope would not persecute one who does a good action in opposing those who ruin the Church. If some antichrist invaded the Holy See, it would be necessary to resist him, the Church would not be offended by such a resistance; if order could not be restored without violence, then the one who acts with violence is not responsible. This is his own case, as a servant of Jesus Christ, he has been obliged to defend the Church of God and his own country, rent and ruined by a cruel enemy. Far from being sacrilegious, he has saved the Church. If there has been any excess committed with an evil intention, he asks pardon for it in all humility. The robbery of the treasure of the Church has not been his fault; he has not been able to prevent it. He has not touched Boniface; he has not commanded him to be taken; he has only prevented this wicked man from doing further evil. Love of justice, not hatred, has been his guide. Pope Benedict, mistaken by his enemies, and proceeding without hearing him, has pronounced that he has fallen *in canonem latae sententiae,* and has cited him to appear before him at Perugia in order to hear his sentence; as if Boniface had not absolved him at Anagni, from thence his liberty began. He has not heeded this invitation of Benedict; on the contrary, he has had recourse to the king for his assistance. The Holy See vacant, must no longer think it strange that he did not appear on account of the danger of the roads. Some day he will make known his innocence in the council in which Boniface will be judged; meanwhile, he addressed himself to the official of Paris, his ordinary judge on account of his domicile. In reality he does not believe himself bound by any sentence, since he and those who assisted him at Anagni, having been absolved by Boniface, became free: that is what he offers to prove. He only asks the official that he should absolve him *ad cautelam* or otherwise as it may seem good to him, being ready to obey the Holy See in all its commands, and he, thereupon, challenges the supporters of Boniface whom he will name in time and place.[45]

On September 16, 1304, Nogaret made further reports to the

[45] Cf. Dupuy, *Preuves du différend*, pp. 269 ff; cf. Renan, "Guillaume de Nogaret, Legiste," *Histoire Littéraire de la France,* t. XXVII, pp. 278 ff.

official of Paris. In one, he claims that all he has done or counts upon doing against the memory of Boniface and his supporters does not proceed from any hatred towards them; that he is their enemy only in so far as he is obliged to be the enemy of their sins. All that he has done and said, all that he will do and will say, has been motivated and will be motivated by the glory of God and the welfare of the Church. Three new acts were then passed on the same day before the official of Paris, by which Nogaret gives procuration to Bertrand d'Aguasse, a nobleman and a knight:—

1. To proceed in his name before the Holy See, he himself not being able to go in person nor to reply to the summons which had been given to him by the late Pope Benedict;

2. To ask for a place of sure access in which he could present an indictment against the memory of Boniface, his supporters and his adherents, so that he might defend himself against the charges of violence committed against the said Boniface and against the treasury of the Church;

3. To summon all the judges whom he can secure, in order to receive in his name some sort of absolution, it may be from the Holy See, or it may be from some other competent judge, an absolution which, in any case, will bear no prejudice to the procedure against the memory of Boniface.

Nogaret took the greatest precautions that his measures might not be turned against himself. According to his claim, his innocence would be recognized; but "the property of pure souls is to fear a fault when none exists,"[46] it was then because "of an excessive delicacy of conscience that he came to offer himself to the discipline of Holy Church although he has merited only her thanks."

It was about this time that Nogaret composed his *Allegationes Excusatoriae,* a document as eloquent as it was sophistical; it listed various excuses for his conduct at Anagni. It is probable that this redaction was destined to be brought to the Holy See by Bertrand d'Aguasse. After the issue of this document, Nogaret again returned to the affair of Pope Celestine, he tried to show how Boni-

[46] Cf. Dupuy, *Preuves du différend,* pp. 276, 277.

face had mistaken the holy hermit. Far from being a pastor, Boniface had been a true thief. Then, by numerous texts of scripture, he sought to establish the fact that those prelates who had done evil should be chastised. Boniface had done no personal injury to him; it was God alone who had excited him against this false Pope. He acted in order to execute his mission to the legitimate power, to the captain and to the people of Anagni, to the Ghibellines of Romagna, who had chosen him for their chief in view of this good work. He concluded by complaining of the procedure of Pope Benedict, especially in what concerned the theft of the treasure of the Church. After all, the truly blamable one was he, who had accumulated this treasure by so many evil means. Pope Benedict, furthermore, had been illegally elected, and his Bull *Flagitiosum scelus* is full of injustices by involuntary error. When the Holy See would furnish the necessary facilities for the pursuit of the process against Boniface, he would show the Pope's enormous crimes and his own innocence. Since, for the time being, he was unable to go to the Holy See, on account of the personal hatred against him, he asked so that he may not be under any canonical penalty, for absolution *ad cautelam* (it may be from the Holy See or it may be from the Ordinary), in order that he could pursue the memory of Boniface and cease to be a scandal to the people.[47]

All these proceedings remained without results, yet Nogaret followed day by day those intrigues which occupied the eleven months of the vacancy of the Holy See. A notarial act dated from Perugia, April 14, 1305, noted an embassy of the King of France composed of Du Plessis, Mouchet and others. The Perugians believed that these envoys of the king came to proceed against the memory of Boniface and to challenge the cardinals created by him, in conformity with the protestation of Nogaret of September 12, 1304, of which they had some knowledge in Italy. The envoys of the king replied that they had come neither for intrigue nor schism, but for the utility of the universal Church as well as for the commune of Perugia, and in order to hasten the issue of the conclave.[48] The Perugians then asked for a more clear reply; but they received

[47] Cf. Ibid., pp. 277 ff.

[48] Cf. Ibid.

only evasive answers. The true reply was given later by the election of Clement V, a native of Gascony.

Meanwhile, the cardinals of the Sacred College were divided in sentiment; some of them strongly disapproved of the indulgence of the late Benedict regarding Philip and thought the pontiff should have exacted from him the reparation due to the Holy See and to the memory of Boniface; others, while they condemned the affront at Anagni, thought that mild measures should be used regarding the king, lest new violence be induced. Thus the Sacred College which united in conclave in Perugia, besides being rent by personal ambitions on the part of those cardinals who coveted the tiara, found itself divided into two distinct factions, the "Bonifacians" or Italians and the French. So great were their differences and dissensions that they met only to separate. Finally they accepted a compromise and agreed that the Pope should be chosen outside the Sacred College, and that the Italian party should designate three Transalpine archbishops, from whom the French party would be obliged to make a choice. From this compromise followed the election of Bertrand de Got, Archbishop of Bordeaux, as Pope (June 5, 1305). He was one of the French prelates who, disguised as a soldier, crossed France and Italy to attend the Roman Synod of 1302 despite the contrary ordinance of the king. Later, however, he made acquaintances who reinstated him in the good graces of Philip.[49]

When Bertrand de Got heard of his election to the papacy, he was in the vicinity of Poitiers, from there he went to Bordeaux, where he received the deputation from the Sacred College who had come to notify him of his election.[50] On July 24, 1305, seated in the episcopal chair, he took the name of Clement V. The cardinals solicited him to come at once to Rome in order to calm there the tempests which threatened persons and souls and they concluded their supplication with this memorable thought: "Holy Father, on the throne of Peter your strength will become greater, your glory will shine more resplendently, you will seem more venerable

[49] Cf. Rocquain, *La Cour de Rome et l'Esprit de Réforme avant Luther*, vol. II, pp. 319 ff.

[50] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1305, nos. 5, 6.

to people and to kings, and you will obtain more efficaciously their submission and devotion." But instead of announcing his departure for Italy, he ordered the cardinals to go to Lyons without delay, and commanded his servants to transport his pontifical ornaments there, for in that city he chose to be crowned. During the last days of August, he left Bordeaux and went to Lyons. He had invited the Kings of France and England and all the reigning princes to attend his coronation, and with a pomp and splendor similar to that which characterized the coronation of Boniface VIII, the ceremony took place there on November 14, 1305. In the triumphal cavalcade (which was customary after the act of coronation), Clement rode on horseback and Philip the Fair with his brothers, Charles of Valois and Louis of Évreux figured in the cortège. It would seem that the King of France, considering the tragic events of Anagni which were in the memory of all present, desired to make this act of homage in order to apparently testify his feigned submission to the Apostolic See.[51]

During the beginning of his reign, Clement V evinced towards the king, a complaisance bordering on servility; not content with confirming the absolution which Benedict XI had granted to him, he went further, and on February 1, 1306, he abrogated the Bull, *Clericis laicos,* and on the same day he issued the Brief *Meruit,* previously mentioned, declaring that the Bull *Unam sanctam* did not bear any prejudice to the King of France, to his kingdom or to his subjects, and therefore their submission to the Holy See was not altered by the promulgation of the Bull.[52] He did not repeal the Bull, but he made this simple declaration, which without victory for the king and without defeat for the Holy See, temporarily checked the flames of a future war. A short time afterwards, he created ten cardinals, nine of whom were French; thus he delivered the Roman Church to the mercy of the French faction. Upon the request of the monarch Philip, he restored to the Colonna all their dignities and permitted the reconstruction of Palestrina; he did not dare, at least for the present, to absolve the principal perpe-

[51] Cf. Christophe, *Histoire de la Papauté,* t. I, pp. 186 ff; cf. Rocquain, *La Cour de Rome et L'Esprit de Réforme avant Luther,* vol. II, pp. 320 ff.

[52] Cf. Dupuy, *Preuves du différend,* p. 288.

trators of the crime of Anagni, but he abandoned the inquiry into the affair which his predecessor had begun. It would seem now that Philip the Fair had triumphed, for all the Bulls which Boniface had fulminated against him were revoked. It may be that Clement V was bound to the king by some secret and solemn obligations, in any case Philip did not cease to avail himself of the pontiff's presence within his kingdom; he aimed at the external domination of the Church by making the pontiff his vassal.

The election of Clement V was as agreeable to Nogaret as it was to Philip; Nogaret was to inform the new Pope that the crimes of Boniface had made his own actions lawful and necessary. His first care after the election of Clement was to prove this defense, but his advances received no reply, whereupon he placed before the king a new request which resembles his "Apologies" of the year 1304. It runs thus: A thief and not a pastor, a perfect heretic, who had succeeded in concealing himself for a long time, Boniface was the destroyer of the legitimate King of France. In such a situation, a delay of a day would mean irreparable harm; thus he, Nogaret, had risen up against him without any other support than legitimate authority, that is to say, the faithful subjects of the Roman Church, whom Boniface held captive. "Pope Benedict, of happy memory," he continued, "ignoring my zeal and the justice of my cause, deceived as he was by the supporters of the errors of the late Boniface, who could not pardon me nor those who had collaborated with me in the work of Christ (the Holy Father called them my accomplices) cited us unduly (with proper respect to Holy Mother Church) to appear before him. His decease which happened soon after prevented me from responding to his citation. I shall publish regularly my justifications before you, my lord and temporal judge, and before the official of Paris, several hindrances having rendered it impossible for me to do so during the vacancy of the Holy See. Now that the government of the Holy See is under the care of our Holy Father Clement, I have not ceased to seek means of going to defend myself before him, for the honor of God, of Holy Mother Church, and the salvation of those who are going to render an account of the justice of my cause and who are scandalized and placed in danger of losing their souls. I would wish to receive a salutary penance and to humbly obey the com-

mands of the Holy See. The Sovereign Pontiff has turned his face from me so that my cause and the cause of Christ remains forsaken. I am mutilated by the mouths of the supporters of the Bonifacians to the grave peril of the Church and I am ready to give irrefragable proofs of this. Sire, I am your trusted friend and your vassal and you are held to guide me faithfully in such great peril, as I have guided you and your kingdom. The king is my judge, my lord; if I am blameworthy I shall submit to legal punishment; if I am innocent I should be absolved; your duty is to defend your subjects and faithful friends, when they are oppressed as I am." [53] He concluded by imploring the king to procure for him an audience with the new Pope.

The policy of Clement, regarding the affair of Boniface consisted in delays and procrastinations. He saw that if he were to continue the action begun by his successor Benedict against the authors of the sacrilege of Anagni, he would recall at the same time the horrible scandal of the process against Boniface. He was not ignorant of the nameless and atrocious crimes which the accusers of Boniface decided to charge against the late Pope, but for the present, he decided to await further developments. Meanwhile Nogaret, not absolved but not condemned, continued to act as one of the most influential members of the royal council.

One can see that excommunication scarcely troubled him; for at this period he was perhaps the most influential person in France after the king. The affront of 1303 was surely not forgotten; but for the time being, it was not the Church which sought to recall the memory of it. It was, rather, the king and Nogaret who obstinately desired to concentrate on the strange process which was to be undertaken against the memory of Boniface. The king himself had more than a mediocre interest in it, although he had been completely exonerated by Benedict XI from the anathemas which he had incurred. But Nogaret, protesting that he was *ligatus a canone* was far from feeling himself shielded from inconvenience and wished to pursue the memory of Boniface, since it remained for him as the only means of salvation to prove that Boniface was

[53] Cf. Renan, "Guillaume de Nogaret," *Histoire Littéraire de la France*, t. XXVII, pp. 287 ff.

not a true Pope but a heretic. He stressed the element of heresy in all his requisitions and made it the *raison d'être* of the process against the memory of Boniface. In the indictment of heresy, one enters into full inquisitorial right. The affair could be initiated and conducted in a manner analagous to that which had been pursued in the case of the Templars, and Nogaret argued that in order to combat the Church, he would profit by the rigors which she herself had created in establishing the tribunal of the Inquisition.[54]

Philip now sent a message to the Pope, that he wished to treat with him on important affairs, in truth he was impatient to state his requests to the new Pope to begin the process against the memory of Boniface. The king had designated Poitiers as their place of meeting, and accompanied by his sons, Louis, Philip, Charles and by his brothers Charles of Valois and Louis of Évreux, he arrived at the Congress of Poitiers in June, 1307. The famous Congress remained in session sixteen months. The heinous and implacable monarch, Philip, insisted that Boniface should be formally and without delay condemned as a heretic, that his name should be erased from the catalogue of the Popes and from the hearts of all faithful Christians, that his body should be exhumed and then burned and his ashes scattered to the winds. At this proposal, the partisans of Boniface were cast into consternation; some very influential cardinals who were numbered among the defenders of Boniface maintained that on the sole motive of heresy the Pope should be judged by a council, but in the present case they did not admit the convocation of a council on the ground that the accusation itself was inadmissible. They hardly dared to press their contention too far, lest a deed similar to that of Anagni, might be renewed.[55] Especially did Clement find himself hedged in by delicate and difficult circumstances. His embarrassment was extreme. He was of French extraction and Philip undoubtedly had been instrumental in placing him on the pontifical throne; love of country, therefore, and gratitude to Philip deterred him somewhat from listening to the stern, strong voice of duty. In his first interview with Philip at the Congress of Poitiers, he

[54] Cf. Ibid., p. 304.

[55] Cf. Audisio, *Histoire des Papes*, 1294-1585, pp. 40 ff.

showed himself unwilling and indisposed to take up the proposal of the king to indict the memory of Boniface, but in a second interview Clement seemed somewhat intimidated by Philip, and he consented to listen to the accusers of Boniface VIII. In August, 1308, the Congress of Poitiers closed.

Then, in a public consistory of August 12, 1308, Clement informed the cardinals of his unfortunate decision to transfer the papal court to Avignon, stipulating December 1, 1308, as the date of its establishment. The cardinals and the members of the Curia were to be in the city of Avignon within the octave of the Epiphany, 1309. In this same consistory, Clement declared that he had heard grave and grievous accusations against Boniface VIII, and stated that he and his cardinals would investigate and examine the affair at Avignon. Then he requested the accusers of the late Pope, to present themselves in that city before the Feast of Candlemas, 1309; the Pope himself was detained at Toulouse and Bordeaux, and did not reach Avignon until the Spring of 1309.[56]

In December 1309, Philip sent to Avignon three embassies, each one provided with different instructions; one was in charge of William du Plessis; the other entrusted to the Abbot of Saint Médard; the third represented by Nogaret alone. The latter, under excommunication, could not treat directly with the Pope, but the control of negotiations was nevertheless in his hands. The duplicities and the diplomacy of the clergy and of the lawyers of this period has scarcely been surpassed; their reservations and ruses were endless. The crafty Nogaret had in mind the perspective of the horrible process which he was going to advance against Boniface in all its monstrous details. At one time, the delegate who conversed with him in the name of the Pope, asked him if it would not be possible to put an end to these discussions against Boniface. Nogaret replied prudently that the affair did not concern him but it belonged to the Lord Pope, who could find several means to terminate it if he wished. Peter de la Chapelle, the Cardinal of Palestrina, stated that the Roman Church could find many and terrible things against the most powerful of this world if she wished to take action, and added that if the king did not disengage him-

[56] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 555.

self, "this affair could become the cause of one of the most serious emergencies of our time." But the French ambassadors refused to make concessions; they deemed it necessary to "vindicate the honor of God and the honor of the king of the outrages which they had received." [57]

It is probable that Nogaret had his friends pledged to each other to hold Clement to his promise regarding the hearing of the process against Boniface. In 1309, Rinaldo, who, since he had leagued himself with Nogaret, was qualified as, *chevalier du roi de France,* began his journey to Avignon. It is related that when he with his companions had arrived near the city, he was attacked by evil men, the supposed partisans of Boniface who ambushed him. A few of these men were killed, some wounded, and others put to flight. This affair is considered to be another of the many artifices and frauds of Nogaret and his accomplices, who wished to play the rôle of victims and to present the Gaetani clients as a violent people against whom they had need of protection. When Rinaldo and his companions reached the city of Avignon, they demanded a hearing.[58]

Meanwhile Clement had issued a new Bull *Laetamur in te* September, 1309, inviting the Counts, Guy of Saint Pol and John de Dreux, with William du Plessis (one will note the absence of Nogaret's name) to appear before the Curia in Avignon on the Monday after the second Sunday in Lent, 1310. In this Bull *Laetamur in te,* Clement declared that Boniface was born of orthodox parents, in a country remarkable for its faith, and that he passed almost the whole of his life in the Roman Curia. He was charged with several legations by the Popes and had published various ordinances in the interest of the Catholic faith and for the glory of God. His Masses, sermons and other good works were indisputable proofs of his Catholic faith. He, Clement, therefore, maintained that he was firmly convinced that the accusations brought against the late Boniface were absolutely groundless; nevertheless, he added that as it was a question of the grossest

[57] Cf. Renan, "Guillaume de Nogaret," *Histoire Littéraire de la France,* t. XXVII, p. 312.

[58] Cf. Dupuy, *Preuves du différend,* pp. 288 ff.

crime, i. e., heresy, he wished, in conformity with the desire of the king, to hear his accusers.[59] On October 18, 1309, Clement V informed Philip of this new summons of September, 1309, but at the same time, he reminded him that he wished him to abandon the affair, this method being safest and most honorable. Philip, however, wished to execute his design and make the Pope consider his demands regarding Boniface; indeed the process against the memory of Boniface was like a sword which Philip held over the head of Clement in order to force him to serve his policy.

Nogaret appeared in Avignon early in March, 1310. After an unprecedented process of parading before the whole world his office as a procurator without rival, he was determined to confound the public by his boldness, and to prove to the Ultramontane clergy that they were only tyros when compared to the lawyers of the king and that they knew nothing of Canon Law. What a feast for Nogaret! It is in these grand artifices, conducted with effrontery and solemnity that he excelled.[60] In execution, then, of the Bull of September, 1309, on the very day specified, i. e., March 16, 1310, Clement, by his Bull *Redemptor* began the process against Boniface, "for the purpose of exonerating the memory of a Pope." It opened in a room belonging to the Order of Friars Preacher, where the Pope held his public consistories. Besides Nogaret, the accusers were three knights, William du Plessis, Peter de Gaillard and Peter de Broc, accompanied by a clerk, Alain de Lanballe.[61] All five were qualified as "envoys of the King of France"; they were accompanied by a large escort, as they feigned to fear the attacks of the partisans of Boniface. The Bonifacians numbered twelve composed of the family and the clients of the Gaetani. The boldness of Nogaret contrasted greatly with the timidity of the Bonifacians, but Nogaret dared to play the rôle of a persecuted victim. It may be noted here that the career of William du Plessis was analagous to that of Nogaret; both posed as victims of injustice. The defenders of Boniface stated that the "two Williams" were like two foxes bound together as one and the same person.

[59] Cf. Baronius-Raynaldi, *Annal. eccles,* ad ann. 1309, no. 4.

[60] Cf. Renan, "Guillaume de Nogaret," *Histoire Littéraire de la France,* t. XXVII, p. 315.

[61] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, p. 559.

When Nogaret's excommunication had rendered his position difficult, it was William du Plessis who sheltered him.

At the beginning of the hearing against Boniface, March 16, 1310, Nogaret made a long remonstrance concerning the intention of his master, the king. James de Modène, speaking in the name of the defenders of Boniface, maintained that the accusations against Boniface could not be received. The Pope then ordered that the two parties, the Bonifacians and the enemies of the Pope give their accounts in writing, and on the two succeeding Fridays they should come before him again. On March 20, two cardinals commissioned by the Pope, ordered four notaries to direct the process of receiving all that the parties would wish to produce.[62] The accusers produced three enormous rolls, one of which contained no less than thirteen pieces of parchment sewed together. At first there were divers articles on the life of Boniface, then a piece on the call to the future council and on the Council of the Louvre, March 12, 1303, followed by another writing filled with subtle objections against the publication of a Bull probably *Super Petri solio* (August, 1303), which was to be posted on the doors of the Churches of Anagni. These excerpts have been preserved for us, they are masterpieces of pedantry, and the two authors, du Plessis and Nogaret, faithful to their spirit of chicanery, used every expedient to make their procedure appear canonical. Nogaret and du Plessis complained of the examination made by Pope Benedict on the affair at Anagni, and the former justified his conduct by stating that he, being the vassal of the king, could not do otherwise than he had done, for Boniface had destroyed his country without principle. Nogaret maintained that had his own father attacked his country he would have been justified in killing him, hence such an act could not be brought against him as a crime, rather should he be praised for it as for an act of virtue.[63] Among the witnesses who came to testify against Boniface, a few were old and feeble. Nogaret and du Plessis immediately demanded that these witnesses should be received without delay.

[62] Cf. Dupuy, *Preuves du différend*, pp. 362 ff.

[63] Cf. Renan, "Guillaume de Nogaret," *Histoire Littéraire de la France*, t. XXVII, p. 317.

The meetings of the Process begun on March 16, 1310, continued on March 27, April 1, 10, and 11. There were long requisitions against Boniface, replies to his defenders, dissertations on ecclesiastical history and in Canon Law on the renunciation of Celestine, and endless repetitions of the eternal "Apologies of Nogaret." On this point the subtle lawyer varies his arguments with a surprising dexterity. Every incident which could prolong the affair was carefully utilized by the Pope. From the beginning of the procedure Nogaret asked for absolution *ad cautelam* which he needed in order to act in justice. He did not obtain it, but undaunted, he maintained that everybody ought to be received indifferently to depose in religious matters, especially in affairs of so great importance to the Church, viz to declare that Boniface was a false Pope and that he died in heresy. The French maintained that any person was qualified for such a procedure, even an avowed enemy, because there was a supreme interest at stake, i. e., that a heretic might be punished; and on the contrary, no one should be admitted to defend the memory of a person accused of heresy. A practice of Nogaret, which has been previously noted is again in evidence, a practice which he followed in the affair of the Templars and which is equally familiar to Dubois, viz he fought the Church in pushing to the extreme limit the rigors of inquisitorial law and in claiming himself more rigid than the ecclesiastics in matters of faith. Persistently, the defenders of Boniface maintained on their part, that the accusers of the late Pope, being all publicly recognized as the principal authors of the Conspiracy at Anagni were not admissible in their evidence.[64]

It so happened that Easter fell on April 19, that year (1310), and the process against Boniface was deferred until after the Paschal solemnities. But a singular incident occurred; Nogaret wished to participate in the Paschal Communion, as if he had not been bound by any censure. Pope Clement V had told him that in virtue of the sentence of Benedict XI, he should comport himself as an excommunicated person. Nogaret dishonestly replied that he had no need of absolution since "His Holiness" had given him the honor of being admitted into his converse, and that he had

[64] Cf. Dupuy, *Preuves du différend,* pp. 363, 514 ff.

wished to confer privately with him. He even alleged the authority of some canonists who maintained that the honor of having saluted or conversed with the Pope took the place of absolution for an excommunicated person.[65]

The hearings of the process were resumed on May 8, 1310, and the accusers of Boniface did not cease to continue their formalities without end. The most frivolous pretexts sufficed for adjournments. A nosebleed which the Pope had during the night sufficed to postpone a meeting. On May 13, 1310, the Pope in public consistory, thus refuted the claim which Nogaret had published some days previous: "I have heard it said that formerly some Doctors were of the opinion that an excommunicated person could be absolved by a single conversation with the Pope or when the Pope has spoken with him knowingly, but I have never believed this opinion to be true, unless the Pope has the express intention of absolving the excommunicated person. I have never claimed to absolve an excommunicated person while listening to him, or in speaking to him or communicating with him on any matter whatsoever." [66]

The hearings of the process continued in ceaseless repetitions. Nogaret maintained that Boniface had never been Pope; if he had ever been anything, he had been like Lucifer in Heaven, and that it had been with good reason that the Colonna had opposed his election, and that is why the Pope had crushed them. The defenders of Boniface claimed that it was necessary that the Pope should be judged by a council. "Yes, a living Pope," replied the accusers, "but not a dead Pope." The judgment of one of his successors would suffice in such a case. The Bonifacians alleged the demonstrations of piety that Boniface made when dying. "That does not suffice," the accusers replied, "they were only feigned." The accusers of Boniface who were witnesses of artifice and stratagem and who were paid by Nogaret and his agents pursued this method: when it was a question of serving the views of the king, they pushed forth the rights of the papacy to the most insupportable exaggerations, and since it was to their advantage to claim for Clement the

[65] Cf. Renan, "Guillaume de Nogaret," *Histoire Littéraire de la France*, t. XXVII, p. 319.

[66] Cf. Ibid.

right of condemning Boniface, they then held that the Pope became the entire Church and had no need of a council.[67]

The Gaetani did not fail to allege that the king had greatly recompensed Nogaret for his services in this affair and had given him lands, castles and estates, and had made him his vice-chancellor. Another piece from the pen of Nogaret thus summarized the charges of all the other accusers of Boniface. After having praised the kings of France, who have at all times given evidence of religious zeal, who have never suffered the oppression of the Church by tyrants and schismatics, and who have commended the French Church which is "the principal and the most noble member of the universal Church," he exposed the wretched state of the Church under Boniface. The vices of the latter had surpassed all credence; he had not believed in the immortality of the soul; he had said that he would rather be a dog than a Frenchman; he had not believed in the Real Presence, he had professed that the most infamous acts were not sins. When he died, he had not been to confession for thirty years. He had hastened the death of Celestine; he had statues of himself made of gold and marble in order that he might be adored; he had not believed in the Sacrament of Penance; he had eaten meat at all times; he had said that the world would be better if there were no cardinals; his design to ruin France was notorious.

In another speech, Nogaret made these statements: "Boniface mocked those who went to confession and called them fools; he maintained that this world is eternal, and he did not believe in the Resurrection." "Happy," cried Boniface, "are those who live and rejoice in this world, the people who hope in any other are more foolish than those who hope to see the return of Arthur, they are like unto a dog who mistakes his shadow for his body. Boniface dared to claim that Christ is not the true God, that He is only a fanatic, he claimed that lewdness is no sin and acted accordingly. He sacrificed to the demons and did not believe in Paradise, Purgatory nor Hell. He favored heretics and received presents from them." Another large note-book in twenty articles contained like accusations conceived in similar terms, viz during the year of the

[67] Cf. Ibid., pp. 319 ff.

Jubilee, Boniface had several pilgrims killed in his presence; he constrained priests to reveal the secrets of confession; he wished to ruin the monks and called them hypocrites; not only did he cause Celestine's death, but he put to death those people who wished to learn something of the death of this saintly man; in his last hour, he did not ask for the Sacraments and died blaspheming God and the Blessed Virgin. Nogaret though erratic was also erudite, along with this fantastic accumulation of calumny and vituperation, of equivocal and ambiguous words, one finds solid researches into ecclesiastical history in order to find out if Celestine could abdicate, and if a Pope could cease to be a Pope, otherwise, than by death.

Nogaret, pursued by the night-mare of the terrible scene at Anagni, always returned to his personal apology. The exordium of a petition presented to Clement gives further evidence of his cunning and crafty character. It reads thus:[68]

"Most Holy Father:

It is written that a mark of great souls is to fear a fault even when no fault exists. Job, that man just and fearful before God, in the testimony of Holy Scripture, said of himself: I know not if I am worthy of love or hatred, and the Apostle, so great a doctor of the Church of God, although he declared that it was lawful to eat flesh meat and maintained that all nourishment suited to human nature is pure, provided it be taken with thanks, has nevertheless written for the instruction of all, that if his brother or his neighbor be scandalized at him because of this eating, he should refrain from it. How in reality, he adds, can I take it upon myself to kill my soul, showing plainly that one kills the soul of his brother, who by ignorance or by false opinion scandalizes him, and that he is blamable for the death of his brother, if his soul dies from scandal which could be avoided. According to St. Augustine, he, indeed, is cruel who neglects his reputation. I, then, William of Nogaret, knight of my lord, the King of France, remarking that such things have been written of men so just and so holy, am oppressed; grief chokes me, my fear never ceases, my cry goes up continually to God, and towards you most Holy Father, who is His vicar . . . "

[68] Cf. Ibid., pp. 322 ff.

He protested that Pope Benedict XI, in point of fact, had committed an error from gross ignorance, *crassissima ignorantia,* of the justice of his cause, in having summoned him to hear his condemnation. He begged Clement to declare this procedure null, for fear that some persons, ignorant of the truth might be scandalized in him and consequently it might mean death to their souls. Nogaret continued thus: "A sinner, but innocent of the crimes of which they accuse me, wishing besides to follow the example of the saints, and to anticipate the reproach of neglecting my fame, I supplicate, I ask, I beseech, I solicit, and entreat you with tears and groanings, with joined hands and on my knees, with repeated prayers . . . to grant to me through Your Holiness the favor of absolution *ad cautelam.*" [69]

Again, he gave a report of the scene at Anagni, stating that before Boniface was Pope, he was "a contumacious and incorrigible heretic," and that he, Nogaret, being a knight, found himself obliged to defend his country in danger and to resist tyrants. His aim was to save the king, the kingdom, and the Church. Benedict was mistaken and "stoned him for a good work"; besides, the usual formalities were not observed in the citation of Benedict. Finally, according to Nogaret's theory, God pronounced in his favor, for touched by the injustice of which his good servant Nogaret was the victim, God has avenged by a miracle his innocence, hence about the time appointed by Benedict for his judgment, the pontiff died.

On May 23, 1310, the Pope had addressed to Charles of Valois a very urgent letter requesting him to intercede with his brother, Philip the Fair, to abandon the inquiry relative to Boniface and to recall the accusers.[70] But far from heeding his solicitations, Philip complained on July 3rd, 1310, that Clement V had delayed so long in instituting the commission charged to receive the depositions of the aged or distant witnesses, that several of these witnesses had died, while others were terrorized by the friends of Boniface. On August 23, 1310, the Pope showed the exaggeration of these

[69] Cf. Renan, "Guillaume de Nogaret," *Revue des Deux Mondes,* t. XCVIII, p. 775.

[70] Cf. Hefele-Leclercq, *Histoire des Conciles,* t. VI, p. 563.

complaints and of some others. He had already established two commissions, the first commission, composed of Peter de la Chapelle, Bishop of Palestrina, Bérenger de Frédol, Bishop of Tusculum, and Nicholas de Fréauville of the title of Saint Eusebia, was appointed to hear the depositions of the witnesses present in the Curia, while the other had charge of hearing those who lived in Rome, Tuscany, Campania and Lombardy. This second commission, created by a Bull, of June 28, 1310, consisted of Isnard, the Archbishop of Thebes, Vicar-General of the Pope at Rome, of the Bishops of Avignon and Vienne, of two monks and of a layman who was a Roman lawyer.[71]

We possess the depositions of fourteen witnesses, who, in August and September, 1310, were heard by the members of the first commission,[72] and of twenty-three others who, in April and May of the following year (1311) were heard by the Italian commission. All these depositions were unfavorable to Boniface because his enemies took particular care that only those witnesses should appear who would give unfavorable evidence of the late Pope. The most complete verbal processes are those drawn up by the cardinal commissaries in the priory of Grozeau near Vaison. The witnesses were interrogated on thirty-six points and were under oath, they were also asked to swear that they had never been corrupted or threatened by any one.

The first of these witnesses, a priest and monk, Nicolas of Apulia, claimed having heard with his own ears in the presence of several persons these words, said seriously by Boniface in his chamber at Naples, when he was as yet only a cardinal: "The three religions (Jewish, Christian and Mohammedan, the relative value of which men dispute) are human inventions. The Christian religion contains several falsities, for example, the dogma of three persons in one God and the virginal birth of Jesus, which is a pleasantry."

The second witness, the Abbot of Saint Benedict of the diocese of Cappacio, claimed to have heard similar declarations at Naples. According to him, Boniface would have said that the Body of the Lord is not in the Eucharist and that there is no resurrection of

[71] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1310, no. 37.

[72] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 564 ff.

the dead. A third witness, a simple layman aged sixty-five years, claimed that in the year of the Jubilee at the Lateran (1300) and in the presence of several ambassadors of Florence, the chaplain of Boniface related to him the final impenitence of a certain knight and expressed the wish, that God would show him mercy, whereupon he heard Boniface reply thus: "Fool, that you are, who can make Christ descend thereto?" He was a man like us but a very splendid man and a hypocrite; how could He help others since He could not help himself?" According to the same witness, Boniface said, "There is neither heaven nor hell; those who are happy, have their heaven on earth, and the others are always in hell." And amusing himself improperly with some women and young boys, he said that this amusement was no more sinful than to touch one's hands. A fourth witness claimed to have heard the sentiments just cited, expressed by Boniface on Heaven and Hell. The fifth and sixth, Italian priests, repeated the same depositions as the first. The seventh, a peasant of Todi, confirmed having heard Boniface when a simple monk of Todi, declare that the Eucharist is only a piece of bread and mock those who worshipped it as a cult. He said that Mary, after the birth of Jesus, ceased to be a Virgin, and that man has no soul any more than a beast. The eighth witness, a priest of Naples, maintained having remarked that Boniface, then a cardinal, never looked at the Sacred Host at the time of consecration. He repeated the claim of the first witness regarding the three religions. The ninth, a notary, claimed to have heard with his own ears a conversation between Boniface and a physician of Paris, in which Boniface declared then that there was no resurrection, and that carnal intercourse is no more reprehensible than to touch one's hands. The tenth and eleventh witnesses, two Sicilian officers, claimed that when they presented Pope Boniface with some beautiful apples which Roger of Loria, the Sicilian admiral had sent him, they heard the Pope express divers opinions against the divinity of Jesus Christ and the resurrection of the dead. The depositions of the twelfth and thirteenth witnesses were identical with that of the third. The fourteenth only added that, when at Spoleto, Boniface, still a young man, had been punished by the inquisitors of the Order of Friars Minor.

The twenty-three witnesses who appeared before the Italian commission (1311), were less diffuse.[73] Many of these witnesses gave shameful testimonies. The first two, who were monks of the Monastery of Saint Gregory in Rome, related that having brought a report to the Pope against their Abbot, who did not believe in the resurrection of the dead, in the Sacraments, nor in the culpability of carnal sins, the Pope (Boniface) agreed with the Abbot. The third witness, who was of the diocese of Narni, claimed to have learned sad things against Boniface when he was still a monk at Todi. He affirmed that at this period, Boniface abused some young boys, later when a cardinal, he had in the presence of a witness, in the course of conversation with a physician of Paris, denied the immortality of the soul. The same witness claimed to have heard other persons say that Boniface had sacrificed to the demons, had practiced necromancy, had assassinated Pope Celestine and had favored the Templars from whom he had received money. The two following witnesses repeated practically the same charges. The sixth gave the names of two boys with whom Boniface had sinned. Seven other witnesses repeated the story of the three religions and the charges regarding the Eucharist, the Resurrection and the future life. The fourteenth repeated charges which had been already made. The fifteenth stated that Boniface had approved the Abbot of Saint Pol at Rome who was accused of heresy. The sixteenth, a monk, said that Boniface had served the demons, and had venerated an idol placed in his window. Furthermore, Boniface would have, in the presence of these witnesses, affirmed the eternity of this world and denied the immortality of the soul, and on his deathbed, in the presence of a large number of witnesses whose names were given, he wished to injure the Eucharist and the Blessed Virgin. The seventeenth repeated what the preceding ones had said. The eighteenth, Notus of Pisa, related a shameful account about Boniface and concluded it by saying that Boniface possessed a demon and when presented with Holy Communion on his deathbed, he cried out, "Nolo, nolo," and turned his back and died. The nineteenth affirmed under oath all these

[3] Cf. *Preuves du différend*, pp. 523 ff; cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, pp. 566 ff.

charges and added divers details. The twentieth, a lawyer of Spoleto, told how Boniface had abused him when he was a young boy. The last three witnesses repeated nothing new.[74] All that a perverse and perverted imagination could invent of villanies and crimes was thus displayed in this process "as dishonorable to the sovereign who provoked it, as to the pontiff who had consented to hear it."

During the continuation of the trial, the defendants of Boniface brought forth a number of papers to which Nogaret and his friends waited for the opportunity to reply. The Pope set November 10, as the date for the hearing but neither on this day nor in the meetings of November 13, 17, 20, 24, 27, 29 and December 17 and 22, (1310) did the contenders advance one single step nor approach any nearer the decision; on the contrary, both parties lost time in protestations and chicanery of all kinds. Naturally the Pope rejoiced in these protracted and fruitless conferences, for he desired that the enemies of Boniface would abandon the process. His wish was granted, for in the month of February, 1311, Philip the Fair, decided to put an end to his importunities regarding the memory of Boniface, and made his resolution known in a long letter to the Pope.[75]

In this letter, he stated that he had always venerated Boniface as a father, but on account of some very grave complaints, which the accusers of Boniface had brought against him, and which they desired to prove before a general council, he had decided to ask for the convocation of a general council in order that the Church might incur no loss. He had commissioned Nogaret, so zealous for the Catholic faith and the unity of the Church, to take charge of an embassy informing Boniface of these accusations against him and at the same time demanding a general council. After the death of Boniface, he asked Pope Benedict to begin an inquiry into the accusations brought against his predecessor and later he renewed his request to Clement V at Poitiers. The latter, however, was absorbed by other affairs, e. g., solicitude for the Holy Land, the reëstablishment of peace between France and England and the

[74] Cf. Ibid.

[75] Cf. Hefele-Leclercq, *Histoire des Conciles*, t. VI, p. 568.

sad affair of the Templars. Nevertheless, he began the inquiry and heard several witnesses. But since the affair had been too long drawn out, he hoped that the Pope would happily terminate for the honor of God and of the Church, the two affairs of the Templars and of Boniface, in finding out the truth in the council which he was going to assemble. Since the Pope wished to avoid the odious procedure regarding Boniface and preferred to act in this case in virtue of the duties of his office, he (Philip) consented to abandon this affair entirely, the Pope might end it in a council or otherwise. The king was anxious also that the accusers of Boniface should withdraw.[76] In conformity with this letter, on February 14, 1311, the Counts of Évreux and of St. Pol, and others wrote to the Pope that they would abandon unreservedly the accusations and the process against the memory of Boniface.

The Pope requested that if the king of France and his friends wished to abandon their accusations against Boniface, it would be necessary for them to make a reparation of honor and they should solemnly state that they had acted wholly in good faith. In order to obtain support in this matter, the Pope on April 11, 1311, and on the days following, asked that several cardinals and the members of the clergy and laity should faithfully report to him what they knew of the zeal of the king in this entire affair. Some cardinals gave favorable reports regarding the zeal of the king and declared that his two knights, Nogaret and du Plessis were animated with the same zeal and on the strength of these testimonies, the Pope on April 27, 1311, declared that the king did not act in a partisan spirit against Boniface, and that the accusers of the Pope had acted in good faith, and finally that the defenders of Boniface should be withdrawn, allowing him (Pope Clement V) the care of the whole affair. The latter then invited any one who knew anything for or against Boniface to inform him on it. In consequence the hearing of the witnesses continued in Italy during the following May, 1311. Their testimonies have been previously cited.

Meanwhile Clement negotiated with the partisans of Boniface and obtained from them, on April 27, 1311, a desistance similar

[76] Cf. Ibid., p. 569.

to that which he had obtained from Philip (February, 1311). In consequence of this desistance, Clement published a whole series of Bulls concerning the process against Boniface VIII. The most important Bull was *Rex gloriae virtutum* dated at Avignon. Strange to say, it was cast in a phraseology and style similar to that which was used by Nogaret. In this Bull of April 27, 1311, Clement V praised France and its kings for their piety and zeal in defending the Church; he declared that Philip had undertaken the process against the memory of Boniface with a good intention; he revoked anew all the constitutions of Boniface which would be contrary to the rights of the king and the kingdom. Furthermore, all notes of infamy inflicted on the king, on his people and on his partisans, *with the exception of the persons whose names are indicated below,* for the violence done to Boniface or for his imprisonment, or for any deed done in connection with his imprisonment are effaced forever and without return. Finally, in order to abolish these sentences, constitutions, declarations, revocation of privileges and excommunications, the Pope had ordered them to be expunged from the books of the Pontifical Chancery, and from all other copies; these pieces must, within a delay of three months, be effaced under pain of excommunication. These are the exceptions to the preceding concessions, i. e., to this general absolution: William de Nogaret, Rinaldo da Supino, Thomas de Morolo and Sciarra Colonna.[77]

In a Bull of the same day, Clement V said that Nogaret had protested his innocence and had claimed that Boniface was unjust in his regard and he, through the intercession of the King of France, consented to absolve him *ad cautelam.* This was his penance: To take part in the approaching crusade and to dwell for the remainder of his days in the Holy Land, unless the Pope or his successor would dispense him from it. In awaiting the crusade, he should make several pilgrimages indicated in detail. In case he died without having performed his entire penance, his descendants should enjoy the benefit of absolution provided they perform the remainder of his penance. In default of this, the absolution

[77] Cf. Baronius-Raynaldi, *Annal. eccles.* ad ann. 1311, nos. 26-32; cf. Dupuy, *Preuves du différend,* pp. 590 ff.

would be null regarding Nogaret and his descendants. On the same day, the Pope gave absolution to the people of Anagni. A last Bull declared that the king should not receive in the future any blame for the presumable zeal and the good intention which he had shown in the course of this affair. The victory of the king was complete. "The boldest act that a Catholic prince had ever undertaken against the papacy is treated in a papal Bull as a good action; the minister whom the king employed to accomplish this act, after having conducted all his procedures in an imperious tone is reconciled with the Church under a form which only implies that his act *may have been culpable.*" This absolution has been granted to him, not precisely because he needs it, but in order to reply to the scruples of a "timorous" conscience and at a price of a penance which he probably never performed.[78]

It is true that the only shield which saved Nogaret was the protection of Philip, who had obtained one of the greatest concessions that was ever exacted from the Court of Rome. On his part, Clement had also carried off a victory; he had avoided a fatal precedent for the papacy whose consequences would have been incalculable. The victims of this procedure of Clement were really the Gaetani. For them there was not one kind word; the Pope himself declared them *fabricators of false pieces.* The translation of the Holy See to Avignon removed from these Roman families all their importance, there was much reason then to treat them kindly. Unfortunately the falsehood of Nogaret regarding the Scene at Anagni is sometimes imposed on posterity as the opinion of his time, some authors state that Nogaret made a just discernment of what he owed to Saint Peter and what he owed to the king. Did Nogaret perform his penance? The part of his penance which consisted in taking part in the crusade was ineffectual as there was no *proximum passagium generale.* The pilgrimages, moreover, which had been imposed on him, together with the corporal hardships which were a part of them, would have been very severe for a minister of the king.[79]

[78] Cf. Renan, "Guillaume de Nogaret," *Revue des Deux Mondes,* t. XCVIII, part III, p. 785.

[79] Cf. Renan, "Guillaume de Nogaret," *Histoire Littéraire de la France,* t. XXVII, pp. 349 ff.

THE COUNCIL OF VIENNE (October 16, 1311, to May 6, 1312).

In accordance with the demand for the convocation of a council, Clement V opened the Fifteenth Ecumenical Council at Vienne in Dauphiny on October 16, 1311, during a period when affairs were most critical for the Holy See and for the Church. About three hundred bishops from France, Italy, Spain, England and Germany, many cardinals and the two patriarchs of Antioch and Alexandria, together with a large number of abbots, religious and clergy responded to the call of the Pope. This council was taken up largely with the affair of the Templars but the process against the memory of Boniface VIII was also discussed. About the middle of Lent, 1312, Philip the Fair with his brothers and his sons arrived at the council. In the presence of these noblemen, the accusations against Boniface were victoriously refuted by Gentilis de Montefiore, a Doctor of Canon Law, John of Murro, a Doctor of Theology and by the cardinals Francis Gaetani, Peter of Spain and Richard of Sienna; the memory of the great Pope was now somewhat vindicated.[80]. Two Catalanian knights, sword in hand, offered to prove the innocence of Boniface against any two valiant members of the French nobility whom the king desired to designate; the challenge was not accepted. Clement declared that Boniface had been a Catholic and a legitimate Pope, that he was innocent of the crimes of which he had been accused, that he lived in perfect orthodoxy, and had done nothing which rendered him guilty of heresy. At the same time, the Pope still feeling himself obliged to satisfy the king, declared that neither he nor his successor could ever be blamed for the crimes against Boniface,[81] whether they were committed in Italy or in France, by the Colonna or by Nogaret or by any person whatever. The court of France at this time seemed less disposed to incriminate Boniface. Nogaret was absolved, the king had gained a complete victory over the Templars, the ashes of the venerable old Pope could now rest in peace in the Vatican tomb, the entourage of Philip had profitably used its time in attaining its temporal ends by pursuing a theological accusation against a deceased person.

[80] Cf. Audisio, *Histoire des Papes*, 1294-1585, p. 44.

[81] Cf. Baronius-Raynaldi, *Anna. eccles.* ad ann. 1312, no. 16.

Thus this strange process ended. If the king had not obtained the apparent end which he proposed, he had at least succeeded very well. He remained in the mind of the following centuries as "the avenger of all the kings or potentates of Christianity, the champion of the Faith, the defender of the Church." It was claimed that in forcing the Pope to convoke a general council, he had been motivated, "not by a hatred of Boniface, but by charity and zeal for the faith and for justice." Never before had violence, calumnious denunciations and false testimony received such encouragement. The brutal ambush became an act of filial respect. The king emerged from the affair apparently "as white as snow." [82] Nogaret was acquitted in expressing his displeasure at what had taken place in the pillage of the treasury, in principle he had attempted nothing except what he had done in self-defense. All culprits were restored, in so far as they had need, to their former state. All acts contrary to the selfish interests of the French king were cancelled in the registers of the Roman Chancery in which we may see them to this day bearing the erasures made by an Apostolic Notary under the express order of two cardinals, one of whom was Bérenger Frédol, who acted for the Pope. "Before these blemished pages," writes Father Tosti, "I remained for a long time with fixed glance thinking of these words: 'Ex parte domini nostri D. Clementis papae V,' "and I deplored more the weakness of the pontiff than the perfidy of the prince."

[82] Cf. Renan, "Guillaume de Nogaret," *Revue des Deux Mondes*, t. XCVIII, part III, pp. 789 ff.

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